



Legislature of Ontario Debates

First Session of the Thirty-First Parliament

Tuesday, Nov. 22-Friday, Dec. 16, 1977



Legislature of Ontario Debates

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Tuesday, November 22, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 22, 1977

The House met at 2 p.m.

Prayers.

REMARKS ABOUT LAWYERS

Mr. Nixon: On a point of personal privilege while the cabinet is gathering, I want to make it abundantly clear, sir, in spite of the report of my remarks in the Globe and Mail of this morning, that while my comments were critical of the legal profession yesterday I had no intention of singling out any individual lawyers and certainly no lawyers as members of this House, both present and past.

STATEMENTS BY THE MINISTRY

AGRICULTURAL HALL OF FAME

Hon. W. Newman: Mr. Speaker, I am pleased to inform the members that at a recent meeting of delegates from the major agricultural organizations, support was given to the establishment of an Agricultural Hall of Fame for Ontario.

The objective of the Agricultural Hall of Fame will be to give formal recognition to the many men and women who have, by example and deed, paved the way for the extraordinary developments that have been made in organization, in production, in marketing, in education and in all other phases of agriculture.

The 50 people who attended the meeting, which was held at the Agricultural Museum two weeks ago, asked me to appoint a steering committee to draft a constitution and develop operating guidelines. I am now in the process of choosing the committee members.

The Agricultural Hall of Fame will be located at the Ontario Agricultural Museum.

I think the members will agree that people who have made significant contributions to agriculture have in so doing made important contributions to society at large. It is fitting that we honour them in this way.

TRAINING SCHOOL DEATH

Hon. Mr. Norton: Mr. Speaker, it is with deep regret that I announce the death last night of a 15-year-old youth who was a ward of the Hillcrest Training School in Guelph.

The youth was pronounced dead at the General Hospital in Guelph, following his being found by a staff member unconscious in his room.

The coroner's office conducted a post mortem this morning and I expect to hear the results of it later today. I understand that in the circumstances an inquest is mandatory and the date is to be announced by the local coroner.

This tragedy is under investigation at the present time, both by the local police and by senior officials of my ministry, and is being investigated as an apparent suicide.

Our staff notified the parents of the child last night, in person, and a chaplain from our ministry, the Reverend Hinson MacLeod, was with the family.

I will keep the hon. members informed, as more information is available, on the progress of the investigation and of the date of the inquest.

ORAL QUESTIONS

AUTO PACT

Mr. S. Smith: I will address this question to the Minister of Labour, although frankly, Mr. Speaker, I would have preferred to address it to the Premier (Mr. Davis), or the Treasurer (Mr. McKeough), or the Minister of Industry and Tourism (Mr. Bennett), none of whom is here. However—

Hon. B. Stephenson: I hate being fourth fiddle.

Mr. S. Smith: —fourth fiddle, Madam Minister. I am sure she will still be very melodic and moderate. I wouldn't want in any way to denigrate her position.

In view of the fact that the Ontario Federation of Labour will be presenting its brief shortly to the cabinet and that its brief outlines, as you know, the dismal situation in the manufacturing sector in Ontario, particularly with regard to the need to renegotiate the auto pact, what is the government doing to make clear to the federal government that this province demands the renegotiation of that pact so that the number of jobs in Canada in the auto and auto parts industry will be proportionate to sales of autos in this country?

Hon. B. Stephenson: I hesitate to answer this question in a non-melodic voice, as was suggested that I might do, because I have suddenly obviously become a bass today.

Hon. Mr. Davis: Just temporarily.

Mr. Foulds: Two esses.

Hon. B. Stephenson: No, no, none of that, just voice. At any rate, I would like to assure—

Mr. Conway: You have never been accused of being base before.

Hon. B. Stephenson: Only by you.

I should like to assure the leader of the official opposition that Ontario has made strong representation to the federal government regarding the need to renegotiate the auto pact. The Treasurer has had frequent communications, I am aware, with his counterparts in Ottawa about this specific matter and I think Ontario's position has been very well put. We are very much concerned about the need to redress some of the imbalances and inequities that have developed as a result of the present arrangements under the auto pact and that position has been strongly put.

Mr. S. Smith: By way of supplementary, does the minister not agree that it would really help our negotiators at these international negotiations if there were a public outcry and there were seen to be very strong groups in the community and very strong governments demanding certain action of a government? Under those circumstances does she not agree that it is important for Ontario to take positions strongly, forcefully and publicly, so it will be clear to everyone there is a crying need for redress in this situation and that we will not take some type of fobbing off by either the federal government or the international negotiating team, but demand action publicly? Why is the minister so quiet about it?

Hon. B. Stephenson: Mr. Speaker, I am not at all sure that the members of government have been particularly quiet about this specific situation. Perhaps it's not couched in such ferocious language as the hon. Leader of the Opposition would wish. But I think the Treasurer has made his position clear publicly regarding the auto pact and I think that's been echoed by the Minister of Industry and Tourism as well.

I think that the position which has been stated by some members of the Ontario Federation of Labour has echoed it rather strongly and we are in support of that position. We believe that this whole problem does need to be reassessed in order to make sure that the position for Canada is more equitable.

We can try couching it in language of vigour, if the member likes and perhaps that will solve some of the problems.

Mr. S. Smith: You could try.

Mr. Makarchuk: Supplementary: In view of the fact that at this time there is no assurance that the auto pact will be renegotiated and we have no assurance that we are going to get the contract for the pipeline, is the minister prepared to collect all the cabinet ministers in the federal government, the members from those localities, call a public meeting with the members from those areas present, and with the press present and tell publicly that this has not been negotiated to the benefit of the people of Ontario and make sure that the people in the area know that this is going on?

Hon. B. Stephenson: If and when it becomes apparent that the negotiations have not been carried out to the benefit of the people of Ontario, that's an interesting suggestion which will be seriously considered.

Mr. Deans: I think it is becoming apparent now.

Hon. B. Stephenson: No, it's not. It is not yet.

Mr. di Santo: Supplementary: This is a supplementary to the first question. Is the minister telling the House that the government has changed policy? The Treasurer not later than two weeks ago said during the estimates that a renegotiation is not necessary and in the last year in a budget paper on the auto pact he said that the normal review was necessary.

Is the minister telling the House that now the government is supporting the renegotiation of the auto pact, in view of the negative effects—especially on the parts industry of Ontario and the unemployment caused, especially in southwest Ontario?

Hon. B. Stephenson: I'm not sure that the Treasurer was specifically referring to the situation in southwestern Ontario. If he said something of what I gather the hon. member has suggested during the estimates I have not heard about that. But certainly there has been much discussion about certain specific portions of the auto pact which must be improved if the situation is to improve for Ontario industry. As I said, representations have been made about that.

Mr. Speaker: Final supplementary.

Mr. Davidson: Supplementary: In response to the second question or the supplementary put by the leader of the official opposition the minister talked in terms of reassessment rather than renegotiation. Can she tell me

what that means on the part of the government, to reassess? There is quite a difference between reassessing and renegotiating a contract that exists.

Hon. B. Stephenson: I think it must be widely understood that assessment and reassessment of the effects of the auto pact are absolute essentials to the development of a position before renegotiation. That's what I meant.

Mr. di Santo: That was done in the budget last year.

HYDRO CONTRACTS

Mr. S. Smith: With some trepidation I address a question to the Minister of Energy. I feel I should be given a bonus question for doing this, but anyway.

Since the essence of the Global Television news report last evening seemed to indicate there were no schedules and no cost estimates issued on April 13, 1977, despite the fact that a letter to Lummus refers to them, that a letter to me from Chairman Taylor refers to them, and that a letter to the minister from Chairman Taylor refers to them, would the minister care to make some comment on the results of his investigations into the matter? Do these schedules exist? Is the television newscast correct? If they don't exist, how does the minister tolerate this kind of business attitude on the part of Ontario Hydro?

[2:15]

Hon. J. A. Taylor: Mr. Speaker, I would suggest the Leader of the Opposition take that matter up with the select committee. As he knows, this whole matter will be considered by a select committee and I would suggest that would be the appropriate place to do that.

Mr. S. Smith: What's the oral question period for?

Mrs. Campbell: In other words you don't know the answer to that either.

Mr. S. Smith: I suppose it is an improvement over the minister telling me I shouldn't ask him questions in the House.

By way of supplementary, given the fact that no select committee exists as of the moment for me to take that question up with, would the minister kindly answer the question as to whether there really are cost estimates and schedules issued on April 13, 1977, which are referred to in the so-called ultimatum regarding this half-billion dollar enterprise?

Hon. J. A. Taylor: Mr. Speaker, may I just correct the Leader of the Opposition? I

have never suggested that he not ask me questions. What I did, as a matter of fact, was invite him to ask me questions.

Mr. S. Smith: Outside of the House.

Mrs. Campbell: Which you don't answer.

Mr. Kerrio: Questions are easy.

Hon. J. A. Taylor: I would hope maybe the day will come when the Leader of the Opposition will see fit to discuss complicated issues with me without having to avoid me outside of the Legislature.

In terms of those schedules, yes, I fully expect they are available and if he would like them then as in other matters I would be delighted to co-operate with him and provide him with whatever information he wishes.

Mr. S. Smith: Will the minister table them? Will he table such schedules and cost estimates in the House?

Hon. J. A. Taylor: Yes, Mr. Speaker, I have no hesitation in tabling any of those documents related to the contract. I may say that I have tried to make that clear to the Leader of the Opposition for many months—

Ms. Gigantes: Why don't you just table them?

Mr. Davidson: Why didn't you just say it instead of beating around the bush?

Hon. J. A. Taylor: —but it has just not been his style to contact me in connection with this matter.

Ms. Gigantes: Come and do private pleadings, eh?

NURSING HOMES

Mr. Deans: Mr. Speaker, I have a question of the Provincial Secretary for Social Development. Given that we now have a second report on nursing homes which seems to indicate that there is a major problem with regard to nursing homes in the province not being prepared to accept those who are very ill; over and against those who are less ill but can get extended care, what action would she contemplate recommending to the Minister of Health—who is just coming into the House—with regard to policy shifts that would guarantee that persons in need of nursing home care in terms of being sick are, in fact, given first priority?

What is she going to do to provide a sufficient number of beds in order that the people who are currently being moved out of active treatment hospitals are given the opportunity and given some place to be placed in the province within reach of their homes?

Hon. Mrs. Birch: Mr. Speaker, now that the Minister of Health is in the House I would respectfully suggest the member direct the question to the minister.

Hon. Mr. Timbrell: Mr. Speaker, I think that the report to which the hon. member refers is in this morning's *Globe and Mail*. The headline refers to a nursing home, but the facility in question is a home for the aged.

Mr. Deans: There are two of them; two articles.

Hon. Mr. Timbrell: Oh, I am thinking of a different one. As far as extended care is concerned, and this is something which we—in answer to the question from the press gallery the answer is yes.

As we discussed in estimates yesterday, there is a requirement in the nursing homes that a minimum of 75 per cent of the beds be retained for extended care patients. In addition, we discussed and it was agreed—and this is something which I am working on with my colleague, the Minister of Community and Social Services—that we do have to develop across the province a system of assessment and placement agencies which will have the ability to put people, as much as is possible, into the type of institution or home, whatever we want to call it, which best suits their needs.

For instance, there was one referred to yesterday in estimates and I will get to this later on. The member's colleague from Scarborough-Ellesmere (Mr. Warner) asked about a particular home and what is done there.

In checking this morning, we find that 99.2 per cent of the beds in that home are, in fact, occupied by extended care patients. We do, from time to time, come across instances where maybe the home is being asked to go to 78 per cent or 80 per cent beyond the minimum required and finding some resistance because of the extra care involved, staffing, time and so forth. That is where I think a series of assessment and placement agencies will be of assistance to us.

Mr. Deans: I have two supplementary questions: The first is, does the minister recognize that in the Ottawa area, where he already has an assessment patient placement agency in operation, there is a six-month waiting list; that there are perhaps more than 300 persons on that waiting list; and that there simply aren't a sufficient number of beds to accommodate the people who require them? What is the point of having an assessment operation if the minister doesn't have anywhere to put the patients who need the beds?

Hon. Mr. Timbrell: I have two comments in reaction to that, Mr. Speaker. First of all, it must be acknowledged that the few assessment placement agencies we have right now, don't have the kind of authority that I certainly envisage assessment of placement agencies eventually having. Right now, it is a matter of persuasion, coercion or whatever, to get people properly placed.

The second thing is that I think this is part of an overall problem—which I have certainly discussed with a number of the Ottawa members from time to time—as to how beds in all kinds of facilities in the Ottawa area are being used. And, as you may know, we do have under way, under the auspices of the district health council and with co-operation from the faculty of medicine at the University of Ottawa, a study on the long-term needs of Ottawa-Carleton. Included in that—in February, although I wouldn't want to be held to that date—will be a one-day census of who is in what kind of bed and where they are from.

That is an added dimension to the problem in Ottawa—the number of beds in the Ottawa area being utilized by persons from outside of the Ottawa-Carleton region. I am told by my staff that we have nursing homes with empty beds not too far away in nearby counties. So it may be that we have to better co-ordinate among the various counties and regions to try to keep people in appropriate facilities.

I recognize that it is a problem. I haven't heard the number of 600.

Ms. Gigantes: It's 300.

Hon. Mr. Timbrell: Sorry, 300. Is that in connection with any one particular home or in general?

Ms. Gigantes: That's general.

Hon. Mr. Timbrell: I hadn't heard that. I would want to think about whether that's an appropriate figure. We'll always have some waiting list. I know from my own experience in the past, sitting on the board of homes for the aged, that we always anticipated having some waiting list. It's just a question of whether that's appropriate or inappropriate for the number of facilities and beds and so forth available.

Mr. Davidson: Oh, come on!

Mr. Sweeney: Supplementary: Given the fact that the estimates report of the minister's predecessor for 1975 and 1976 and the present minister's report this year for 1977 all clearly point out that a hospital bed is at least seven to eight times more costly than a nursing-home bed, how long do we

have to wait for this reassessment? The ministry has known for three years.

Hon. Mr. Timbrell: Mr. Speaker, let's put a couple more things on the record. First of all, since October 1975 there has been a freeze put on the ministry by the Management Board of Cabinet for new nursing-home beds. Secondly, if one looks at the planning ratios for nursing-home beds, the province is as a whole over-bedded in nursing-home beds.

Mr. Roy: Except in the Ottawa area.

Hon. Mr. Timbrell: Thirdly, over the last few years we have begun to develop some alternatives, not the least of them being chronic home care. I will, late this week or early next week, be tabling the initial assessment report on the chronic home-care program. And that is even less expensive.

Mr. Sweeney: It is more expensive.

Hon. Mr. Timbrell: It is even less expensive than an extended care bed in a nursing home. So we are trying to ensure that there is a wide range of services. But the point is that there will, in fact, be some waiting lists.

I guess it is the ideal but I don't think we could afford to have on any one given day no waiting list at all for anything. That is unrealistic.

Mr. Deans: Since we don't appear to have a sufficient number of nursing-home beds, we don't appear to have a sufficient number of chronic care beds in the province of Ontario, and since the minister has been systematically reducing the number of active treatment beds in the existing hospitals, what is wrong with working out a program that would allow people in need of nursing home care or who are at the chronic care level to be kept within those hospitals and to provide that level of care at the reduced cost? What is wrong with doing that?

Hon. Mr. Timbrell: I think, perhaps, if the member has an opportunity to come to estimates committee we can probably get into it in more detail than question period allows. When one talks about keeping them in a hospital at the lower cost let's first of all establish that one would have to be talking about establishing a chronic unit—

Mr. Deans: Then do it.

Hon. Mr. Timbrell: —and by and large you're talking in terms of twenties, thirties and forties as the numbers of beds for viable chronic units. That has been going on in a number of hospitals around the province—the conversion to chronic. We have the conversion of the old Mount Sinai just down the

street from this chamber; this will be finished soon and will bring on 300 more chronic beds.

Mr. Roy: It was empty for three years.

Hon. Mr. Timbrell: And there is the rebuilding of the old Dunn Avenue campus of Queen Elizabeth, being rebuilt for chronic care; and the conversion of the Salvation Army Grace Hospital to chronic, just thinking of the Metro area.

Mr. Deans: That's converting a whole hospital. I'm not talking about that.

Hon. Mr. Timbrell: So it has been going on. I have a number of policy matters to discuss with my cabinet colleagues in the near future. The member's suggestion is a good one and certainly not altogether out of line with the ministry's thinking.

Mr. Conway: In an earlier response to the member for Wentworth the minister indicated that from this point of view he would like to see some very major strengthening take place in that assessment placement process, I wonder if the minister could share with us this afternoon what specific proposals he envisions for that strengthening.

Hon. Mr. Timbrell: Not at this point, Mr. Speaker. As I indicated, it is being worked on between my ministry and that of my colleague, the Minister of Community and Social Services, following which we will seek approval for whatever is the conclusion of our work from the social development committee of cabinet and then finally of cabinet and Management Board.

HOSPITAL BED RATIOS

Mr. Deans: Mr. Speaker, I've another question for the Minister of Health. Is there truth to the rumour that it's the intention of the Ministry of Health to reduce the proportion of beds to population from four to some lower figure, 3.75 or 3.5 in the province of Ontario?

Hon. Mr. Timbrell: That's a rumour that I started; unlike the rumour started by the member's colleague from Ottawa Centre (Mr. Cassidy). I just want to put that in there, it might help his campaign.

Mr. Deans: I don't need the minister's help, thank you.

Mr. Foulds: The minister just lost him 40 votes.

Hon. Mr. Timbrell: I'm just trying to be helpful; I'm sorry.

Mr. Nixon: The minister's time will come. We will help him too.

Mr. Deans: If I wanted help I wouldn't be asking for help from the Minister of Health.

Hon. Mr. Timbrell: The point I've been making to the hospital people—and it follows from the member's earlier question—is that looking ahead and looking at the fact that by the turn of the century the proportion of our population, which one can call aged, will be something like 50 per cent greater than it is in proportion to today's population, and looking at changing modes of treatment, we'll be moving into chronic programs and geriatric programs of various sorts.

One cannot say that the whole system as it is today must be taken as it's given and everything else is added on. The realities of our ability to raise money, the realities of the economy at this time are such that we have to look at the active treatment bed ratios to make room for other things to come into the system or to be expanded within the system, and to take cognizance of, as I said the changing patterns of practice.

Now, having said all that, no final decision has been made. I would hope that that would occur in the not too distant future.

Mr. Warner: Is the Minister of Health telling us that he is going to help out those private nursing homes that have been shuffling off some of their patients to the homes for the aged, by now establishing separate institutions for chronic care?

Hon. Mr. Timbrell: Mr. Speaker, I'm not establishing any new ones. There are existing ones in operation or under construction or conversion. I guess the only recent new one would be the Salvation Army Grace Hospital in downtown Toronto which will convert to chronic and palliative care from its current, very successful operation as an active treatment hospital, and the conversion of the old Mount Sinai. But I'm not saying I'm going to be building new ones. Certainly, as we look around the province, where the need for extra chronic beds is recognized, we'll try to do it within existing facilities as we are doing in several centres, not the least of them being Windsor.

Mr. Conway: Supplementary: Has the minister initiated that rumour with any advice from any of the official sources within his ministry that might have given him evidence to indicate that there should, in fact, be a reduction in the active bed ratio below the figure of four that's been mentioned by my friend from Wentworth?

[2:30]

Hon. Mr. Timbrell: Mr. Speaker, I'm not quite sure I understand the question, but I'm just speaking for myself as the minister. In looking to the future needs, whether it be institutional care such as chronic and so

forth, or whether it be programs outside of what has become the tradition of institutionalized care, and given the facts of life and finance in Canada today—and I think from my reading this is something that every province and every country is having to face—I ask the member to look at the fact that in the United States, for instance, the Secretary of Health has indicated that by 1984 they're going to have to close 100,000 active treatment beds to bring their system into line and to allow for flexibility for other programs. That's what I'm talking about.

I wanted to point out, Mr. Speaker, how good I've been today in not pointing out that there's another group of students from my riding in the gallery.

Mr. Warner: Mr. Speaker, to come back to the original question and the answer which the minister gave, I am wondering how this solves the problem highlighted in the article this morning, picking up on the article from April 15 of this year. How does all of this answer the problem of nursing homes wanting to and being able to accept patients who simply require minimal care, thereby shuffling some of the problem into the public homes for the aged? How does what the minister has told us today solve that problem? What is he going to do about it?

Hon. Mr. Timbrell: Mr. Speaker, again, with respect, this is something that is certainly going on in estimates committee. We could take up a great deal of time there without cutting off other members who want to discuss other subjects.

I pointed out first of all that the regulations to the Act require that a minimum of 75 per cent of the beds in a nursing home be retained as extended care beds. The hon. member asked me yesterday about a home, I think it's called St. Raphael. We checked into that. As of this morning, 99.2 per cent of the beds in that home are in fact extended care beds.

To the very earliest question of this series, I indicated that we are working on the principle of assessment and placement agencies that will have some teeth.

Mr. Warner: When?

Hon. Mr. Timbrell: I hope certainly in the next year that we will have resolved our discussions and got the matter through cabinet.

Mr. Warner: In the fullness of time.

Mrs. Campbell: Has the minister looked at the experiments which have been carried out in some of the western provinces, where they have analysed nursing home care in degrees of care expected from each of the dif-

ferent classifications of homes? In view of the fact that the interministerial report indicated that most of this relates to financing, why haven't we at least looked at the record in the west where they have degrees of financing related to the degree of care which is to be delivered?

Hon. Mr. Timbrell: Mr. Speaker, I don't think the systems employed in the west are any more successful than the system we employ in the province of Ontario. In effect we do have two levels of care, extended care and normal residency, and rather an involved point system and a regular evaluation and then re-evaluation by the physicians involved.

Certainly the representations I've had from the nursing home industry in my nine or 10 months as Minister of Health indicate they would like to see something like that come in to improve on what they consider to be a low rate of return on investment. For instance, the extended care rate applies to all nursing homes whether they were built in the last year at 12 or 14 per cent mortgage rates, or built 20 years ago at much lower rates and lower construction costs. I know that that's something that aggravates them, but I really don't think from what I've read of what goes on in other jurisdictions that they are any closer to the ultimate answer than we are.

BRIBERY CASE

Hon. Mr. McMurtry: Mr. Speaker, I have the answers to several questions asked by the hon. member for Downsview (Mr. di Santo) regarding the prosecutions which came about as a result of Judge Waisberg's commission which reported on crime or criminal activity within the construction industry.

First of all, may I state that I had the matters raised by the hon. member reviewed by the acting Assistant Deputy Attorney General, criminal law division, Mr. McLeod, who agrees that the decisions reached by the Crown law office back in the fall of 1974 were appropriate.

As a result of evidence taken at the royal commission on certain sectors of the building industry, investigations were made by a joint task force involving the OPP and the Metropolitan Toronto Police.

The royal commission hearings commenced on June 5, 1973. In the spring of 1974, the Crown law office reviewed the transcript of the evidence taken by the commission on a daily basis as it became available. In the fall of 1974, the Crown law office provided to the joint task force a list of approximately 20 areas where criminal charges could be con-

sidered but at the same time suggested to the police that further investigation was required in each of these areas. This investigation was done, and at the conclusion of their investigation, a decision was reached to cause criminal charges to be laid against six persons, which charges were laid on December 18, 1974.

The six persons who were charged were persons who had received benefits rather than persons who had given benefits. It is clear that section 383 of the Criminal Code creates two parallel offences, one for the receiver and one for the giver. The decision to charge, in each case, the person who received the benefit and not to charge the person who conferred the benefit was based upon a consideration of the following factors:

1. In the Crown's view it was necessary in these cases to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one for a successful prosecution.

2. The relative degrees of culpability having regard to: (a) who instigated the transaction, namely that the donees in each of the six cases instigated the payment; (b) the reason for it; (c) the testimony and demeanour of the participants during the royal commission.

3. The Crown law office's assessment of the deterrent value in the construction industry of the prosecutions.

Mr. Foulds: That's incredible.

PIPE PRODUCTION

Mr. Kerrio: Mr. Speaker, I have a question of the Premier. I hope he shares my interest in selling Ontario pipe for the Alaska Highway pipeline. In view of the day to day changes in events altering the opportunities as we face them, and more particularly, in view of what the hon. Minister of Industry, Trade and Commerce, the Hon. Jack Horner said, and I'd like to quote him: "The final decision is for Canadians to make, not Americans. We are in the driver's seat with regard to the pipe. If we make the right decision then we will make available to Canadian suppliers"—

Mr. Speaker: I don't hear a question yet.

Mr. Kerrio:—"the opportunity to produce the pipe." This is very significant, Mr. Speaker.

Mr. Speaker: It's still not a question.

Mr. Kerrio: The question is, will the Premier address himself to the comments I'm making when I suggest that if all we're guaranteed is that competitive price is all that's going to be considered in the contract would

he and his ministers take a more active part in seeing that we do have a fair hearing in making the decision of where this pipe is to be purchased?

Hon. Mr. Davis: Mr. Speaker, I haven't kept track but I do believe the member for Wentworth (Mr. Deans), the leader of the New Democratic Party (Mr. Lewis), the member for Niagara Falls and perhaps one or two others have raised this matter in the past two weeks. I will once again reassure the member for Niagara Falls that the government has been interested in this and was pursuing it perhaps even before the member for Niagara Falls knew there was to be a pipeline.

Mr. Kerrio: If I had known sooner I would have sold them the pipe.

Hon. Mr. Davis: How many times do I have to tell him? If the member for Niagara Falls wants to compete in either the sale or the installation of the pipe I can think of no rules or regulations of this House that would preclude him doing so and I wish him well. My own guess is that Canadian supplier or suppliers will be involved in this process. I am very optimistic about that. I can't say that I am that familiar with the hon. member's own operation to say whether or not he would be personally one of those.

Mr. Kerrio: Supplementary: Mr. Speaker, in view of what's happening in this whole issue, I would just like to ask the Premier if he's aware that the US export subsidy and knocked-down pricing—such as that of one company reported as offering to build a gas line in Mexico—would give a strong competitive edge to the US in the Canadian selling of this pipe? I am most concerned that if we don't bring to bear every bit of pressure the Premier's office and the Minister of Industry and Tourism (Mr. Bennett) and the Minister of Energy (Mr. J. A. Taylor) have at their command, we are not going to build the pipe in Ontario.

Hon. Mr. Davis: Mr. Speaker, I don't want to prolong this although I recognize its importance. But I would also point out to the hon. member that there are a number of people making representations and that includes the province of Ontario—and this dates back a period of time.

Just to give him the latest information, Mr. Jefferson, vice-president, services, Foothills, stated before a committee in Calgary as recently as November 16—that's admittedly a week ago—in answer to a question related to Ontario—this was to the committee on industrial benefits from natural resource development, chaired by Mr. George Hughes

Adams, that the project will be handled by six separately incorporated Foothills corporations. Each would be responsible for the building of the section of the pipeline as it passes through Alaska, the Yukon, British Columbia, Alberta and Saskatchewan.

I have to draw the hon. member's attention to the fact that part of the line does not go through Canada. I think one can assume that American producers of pipe are going to endeavour to get their share of that portion that is not in this country. One is going to read a lot of speculation, and there will be a lot of competition.

To say categorically to the hon. member it is going to happen, I am not in a position to give this guarantee. But I can tell him that on a personal basis and through ministers of the government, the government of Canada is totally aware. I am critical of the government of Canada on occasion but I have to say this for them, they are aware of the importance of it.

Mr. Roy: Jack Horner is doing a good job there.

Hon. Mr. Davis: I just want to tell the member what Mr. Jefferson has said. "It was stated that on the Canadian section, in excess of 85 per cent of all materials and services would be obtained from Canadian sources and this would include transmission pipe valves and related equipment. Purchases of supplies and equipment will be handled independently, section by section, and the responsibility will rest with the operating contractor."

I should point out that another firm in Canada will also be making some effort to get their share. I think that firm is called Ipsco. I think it is geographically located in the province of Alberta, and I think for anyone to suggest that they will not be competing for a portion of this pipe would be to underestimate their capacity.

But I would assure the hon. member for Niagara Falls, the member for Wentworth and if he would relay it to his leader, and all of those who represent constituencies, and I guess indirectly the Leader of the Opposition, that this government is making every effort to see that particularly—I will be selfish—Ontario manufacturers get their share. We do not award the contracts so I am not in a position to guarantee it. But I am relatively optimistic that Canadians will get their fair share of the pipe and other related materials that are purchased.

Mr. Swart: Supplementary, Mr. Speaker: I would ask the Premier if he is not aware that his Minister of Industry and Tourism

in reply in this House on November 17 stated that Canadian companies do not have some of the technology presently in place to produce the pipe for the Alaska pipeline? In view of Mr. Horner's statement and the fact that Stelco has continually repudiated that and say they can produce it, will the Premier repudiate the statement of the Minister of Industry and Tourism? He's making the kind of statement that's selling out the Canadian interest.

Hon. Mr. Davis: I would only say to the member for Welland-Thorold no minister has worked harder on behalf of the manufacturers of this province than the Minister of Industry and Tourism.

[2:45]

Mr. Nixon: All over the world, in fact.

Mr. Foulds: Too bad it wasn't effective.

Hon. Mr. Davis: There may or may not be some technical problems. I can tell the member that I don't pretend to be an expert in the technology of the production of pipe, but I assure the hon. member for Welland-Thorold that we are making every effort as a government, and I know the private sector is making every effort, to see that it is the supplier of a good portion of this pipe. I can't add any more to that. I assume the hon. member for Welland-Thorold doesn't himself expect to put in a bid, like the member for Niagara Falls. At least I didn't know he was in the business, so I can't wish him well.

Mr. Nixon: He isn't; why don't you get that straight? You have been told three times.

Mr. Yakabuski: A supplementary, Mr. Speaker: In view of the controversy with regard to the supply of pipe for the proposed pipeline, is it true that Algoma Steel in Sault Ste. Marie is considering a tube and pipe facility to be added to that complex with an eye towards getting some of the pipeline business?

Mr. Wildman: Yes, it is, it is.

Hon. Mr. Davis: I am not familiar with all of the possible plans of some people involved in the steel industry. I would be very surprised if all of the major companies in this particular sector aren't looking at their capacity to produce those materials, because they will amount to many millions of dollars.

I cannot answer specifically as it relates to Algoma. Perhaps if the hon. member had a word with the Minister of Housing (Mr. Rhodes), who is geographically fairly close to Algoma, he might have the most recent inside corporate information. I don't.

TRAINING SCHOOL DEATH

Mr. Foulds: I would like to direct a question to the Minister of Community and Social Services with regard to the statement he made this afternoon.

Can the minister assure us that the same kind of full report supplied by his ministry in the tragic Norma Dean case will be made public in the case of the tragic incident at Hillcrest yesterday? Specifically, could he inform the House the route through which the young lad arrived at the training school, whether it was section 8 or section 9, and whether it was through a Children's Aid Society, the police, or a treatment centre?

Hon. Mr. Norton: I can assure the hon. member that, as the full information is available, I will make it available to the hon. members of the House. I do have a fairly comprehensive preliminary report which was delivered to me just before I came into the House, prepared and put together by staff during the night.

Following my being advised yesterday evening shortly after the death of the youth, they began the preparation of the report. I have not yet had a chance to review that in its entirety, but to the best of my knowledge, at this point, according to the information I have, the child had been in the care of the Children's Aid Society since, I believe, 1975. When the more comprehensive report is available to me, I will be in a better position to give the member more accurate information with respect to that.

The other thing I would raise at this point is that obviously I would not wish in any way to prejudice the outcome of the inquest in terms of the kinds of responses, the kinds of information that I might be able to give out prior to that. I would be willing to share with the member any information that I get, certainly, on a private basis; I am not in a position to deal with it publicly.

Mr. Foulds: A supplementary: Is it not true that Hillcrest is supposedly the maximum security institution for disturbed children in this province? If that is so, how can such a tragedy take place? Doesn't that indicate that perhaps training schools are not the answer for 15-year-old children?

Hon. Mr. Norton: It is true that that particular training school is one with a higher degree of security than most, or any, of the others in any of our training school system in the province.

I have in preparation at the moment a new proposal with respect to both the philosophy and the purpose or the role of training schools

in the total picture of children's and youth's services in this province. As soon as I have had an opportunity to deal with that at the policy level with my colleagues, I hope I will be in a position to make some rather substantial announcements with respect to the role of training schools.

Mr. Speaker: Final supplementary.

Mr. McClellan: Through the Chair, to the minister: In view of the fact that these kinds of tragedies are inevitable as long as children who need mental health care are sent to training schools, would the minister not agree that the time has come to close training schools in Ontario and replace them as soon as possible with an adequate—

Mr. Speaker: That question was just asked.

Mr. McClellan: I don't think the question was asked as a matter of complete provincial policy, Mr. Speaker. It was specific. I am asking whether the matter of general policy for the treatment of disturbed children, the training school system, ought to be closed, and whether the minister wouldn't agree with that. I don't appreciate being cut off on it!

Mr. Speaker: I was listening very carefully to the question that was asked previously by the member for Port Arthur. Yours was a duplication of it.

The hon. member for Renfrew North.

Mr. Foulds: Supplementary, Mr. Speaker.

Mr. Speaker: That's enough supplementaries on that.

Mr. Foulds: Mr. Speaker, with great respect, there was only one supplementary.

Mr. Speaker: There was a repetition of questions. The hon. member for Renfrew North.

EDWARDSBURGH LAND ASSEMBLY

Mr. Conway: A new question to the Premier: Having regard to recent proposals with respect to the Edwardsburgh industrial proposal for eastern Ontario, and having regard to the Premier's recent pilgrimage to Prescott, has he, in fact, accommodated the interests of the former member for Carleton-Grenville and the former minister from that area, who at that time was alleged to have asked the Premier to report to his colleague, the Minister of Natural Resources, that "We don't need any more poplar trees here in eastern Ontario"?

Hon. Mr. Davis: Mr. Speaker, I did travel to eastern Ontario, as the hon. member mentioned last week, and I must say that I came away encouraged that, with one or two aberrations, of course—

Mr. Samis: More than one or two.

Hon. Mr. Davis:—eastern Ontario was still solidly in support of the Progressive Conservative Party.

I acknowledge one or two aberrations. I've got news for the member. In fact, some of those aberrations may disappear and I don't want to be personal about it at all.

Mr. Samis: Now back to the trees.

Hon. Mr. Davis: As I recall, Mr. Speaker, the former member, a very distinguished colleague of mine and a friend of many—I was going to say on both sides of the House, although he philosophically differed with some—made observations about the future potential of the Edwardsburgh site. I think he did observe that he would like to see more by way of industry than an increase in the number of trees. I think he did make that point somewhat subtly. I understood what he was saying.

I can also tell the hon. member that that riding fortunately is still represented by an extremely able, aggressive person on the government side of the House, and that I am very confident we will find the best ultimate use for the Edwardsburgh site, because he is taking such an active interest in seeing that the right decisions are made.

Mr. Conway: Supplementary: Given the fact that the Premier, I thought, made a very appropriate reference in his speech to his government's concern about regional disparity and what federal government wasn't doing in that regard, and having regard to the former member's comment that, "What we need are more jobs in industry," I would ask the Premier what specific proposals he is entertaining at the cabinet level to make that Edwardsburgh industrial showcase something more than an experimental farm, which is quite obviously unsatisfactory to the people in eastern Ontario who feel that this government knows all about regional disparity because it has left eastern Ontario to languish industrially.

Mr. Speaker: The question has been asked.

Hon. Mr. Davis: Mr. Speaker, I—No, I won't, I'll try it—

Mr. Warner: You were going to resign.

Hon. B. Stephenson: No, just you, David. You are the only one who should.

Hon. Mr. Davis: Mr. Speaker, I did make some observations at that very excellent, non-partisan affair. I did point out that one of the problems we faced on a national basis was the disparity that existed in many parts of Canada. I have also pointed out that in some respects we face problems even within

our own province—that there hasn't been total equality in terms of economic growth.

Mr. Samis: You can say that again.

Hon. Mr. Davis: One of the reasons we have had some measure of success, both in eastern Ontario and more recently with additions in northern Ontario—

Mr. Roy: Yes, majority government, eh?

Hon. Mr. Davis: —is because the people in those parts of the province recognize that this government is making efforts to see they do share in the economic prosperity of the rest of the province.

The fact that so many members come from that part of Ontario just indicates to me the wisdom and the logic of the people who live in that great part of the province. In spite of the fact that in two or three cases they did make errors in judgement, I still—

Mr. Speaker: That is not part of the answer.

Hon. Mr. Davis: —have confidence in their ability to determine what is best for them and we will assist them in that process.

Mr. Samis: Supplementary, Mr. Speaker. After that political harangue, could the Premier tell us if he has any new initiatives at all, leaving politics aside, for the people of eastern Ontario?

Mr. Nixon: It wasn't a harangue. It was a soporific.

Hon. Mr. Davis: Mr. Speaker, I was asked specifically about the Edwardsburgh site—

Mr. Roy: Yes, the Premier hasn't answered that yet.

Hon. Mr. Davis: As the former Leader of the Opposition indicated, it was not a harangue at all, he called it a what?

Mr. Nixon: A soporific. It puts you to sleep.

Hon. Mr. Davis: He indicates that it put him to sleep. I wouldn't doubt it for a moment because it doesn't take much to put the hon. member to sleep on occasion.

Mr. Nixon: Just a speech from the Premier will do it.

Hon. Mr. Davis: I would only say that my own speeches put me to sleep on occasion but they have been more successful, obviously, over the years than his own.

Mr. Speaker: Order, please. The hon. Premier is not answering the supplementary at all.

Hon. Mr. Davis: Mr. Speaker, you are quite right.

Mr. Warner: He does not have an answer.

Mr. Wildman: Could the Premier indicate to this House which ministry will be responsible for making to the cabinet whatever pro-

posals the government has for the Edwardsburgh site and for carrying them out? The Minister of Industry and Tourism disclaims responsibility for the original decision and fears that anyone who wants an industrial park in that area must be off his nut.

Interjections.

Hon. Mr. Davis: I really am trying to answer that supplementary question but I'm getting so many other interjections that I am having difficulty concentrating. What was the question?

Mr. Samis: The Premier is looking for an audience.

Hon. Mr. Davis: As recently as, I guess, yesterday or Friday, I forget the exact date, a meeting was held with representatives from the government and with representatives from the local municipalities; they discussed four or five possible ideas for the Edwardsburgh site, how it should be handled. I understand these resolutions or ideas are being presented to the local government bodies. I expect they will be ratified, amended and so on. In this consultative process with the local communities involved the government is looking to them for their advice and guidance. When we receive that, then we will inform the House more fully as to what the plans for Edwardsburgh may be.

BADGLEY REPORT

Ms. Gigantes: I would like to ask of the Minister of Health why since July 1977 he has been sitting on the report of the provincial committee to review the Badgley report? I mean that figuratively of course.

Hon. Mr. Timbrell: I have not, Mr. Speaker, been sitting on the report. It was put out to the OHA and to the OMA for official comment from both of those bodies. Some discussions have already been held at my level. Further discussions will be held and I would anticipate wrapping that up some time in the first half of 1978, going to cabinet and finally officially stating the government's reaction to the Badgley report.

Ms. Gigantes: Mr. Speaker, a supplementary: Considering that two members of the committee were from the Ontario Medical Association and two members of the committee were from the Ontario Hospital Association, constituting four out of five members of the committee, I would like to know why the minister thinks it is necessary at this point to send the report back to those associations? If he is consulting these associations, is he consulting any group which might be considered client groups?

[3:00]

Hon. Mr. Timbrell: Not at this point. We have certainly heard from a number of client groups and certainly the committee which did include representatives of the two associations heard from client groups. Any material I received during that time—letters or briefs—were submitted to them.

I certainly didn't consider that the two doctors—the three doctors, really, because one of the representatives of the hospital association was a doctor as well—and the other persons were, as it were, representative of the firm position of the OHA or the OMA. They were there to represent those sectors because it involves very directly both the hospitals and the medical profession as to how services are or would be delivered. Both associations, since the Badgley report came out, have gone through changes in their executives and perhaps therefore one could anticipate some slight change in policy—not necessarily but possibly. I think both executives deserve the right to consider it and give the official position of both associations.

Ms. Gigantes: Mr. Speaker, one final supplementary.

Mr. Speaker: Final supplementary.

Ms. Gigantes: I assume from that answer that what he is telling me is that he is not going back to any client groups for any input. I would like to ask the minister, on the basis of that, whether we would be safe in assuming that the report is rather far-reaching and calling for government action, or he wouldn't be sitting on it?

Hon. Mr. Timbrell: Mr. Speaker, my experience with the hon. member is that she will make any assumption she wants whether it is based on fact or not.

Ms. Gigantes: It is the only answer I ever get from this ministry.

COW-CALF PROGRAM

Mr. Wiseman: Mr. Speaker, I have a question of the Minister of Agriculture and Food: Could the minister inform the House if the cow-calf program monitoring is complete and is he in a position to tell us what the average of the calves was this fall?

Hon. W. Newman: Mr. Speaker, the monitoring period will go to December 15. At that point in time we will calculate the sales around the province to get the average figure. I wouldn't want to say what it will be at this point in time, but it looks like it will come out somewhere around 38 cents. There will be a payout to the cow-calf producers of this province.

Mr. Wildman: That's better, but still bad.

Mr. Wiseman: Supplementary, Mr. Speaker: Would that payment go out to the producers before the end of the year?

Hon. W. Newman: Yes; we are anticipating that it will go out before the end of the year, providing the government of Canada will be kind enough to give us their figures by December 15.

Mr. Roy: Yes, before Christmas.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Roy: A question of the Premier, Mr. Speaker: Would the Premier confirm or deny the meetings that are supposedly taking place in the dining room downstairs involving some of his well-known colleagues, members of the Conservative Party and the deputy minister, as reported in an article by Jonathan Manthorpe on November 8? Would the Premier confirm or deny that these meetings are taking place re appointments to boards and commissions?

Hon. W. Newman: Where have you been the last two weeks; practising law?

Mr. Roy: No, I have been giving him two weeks to prepare the answer.

Hon. Mr. Davis: Mr. Speaker, I understand it took the hon. member two weeks to get here to ask the question. It is true that people do get together; people do meet, that is true.

Mr. Roy: Thank you. Mr. Speaker, supplementary to this question, having in mind that it is the government's prerogative to make appointments to boards and commissions and so on, how can the Premier possibly justify a civil servant, who is supposed to be apolitical, meeting with basically a political group? How can he justify that these appointments are non-political, based on merit, when the only people giving him advice are in fact Tories?

Hon. W. Newman: They are the only people capable of giving good advice.

Hon. Mr. Davis: Mr. Speaker, I really find I listen to advice from many quarters. I find that on balance the best advice I get happens to be from Progressive Conservatives. I don't think that would come as a great shock to the member.

Hon. Mr. Rhodes: Sure doesn't happen federally.

Hon. Mr. Davis: Just so the hon. member doesn't forget how objective and non-partisan we are, I believe one of the recommendations emanating from that group, which ultimately was approved by myself and cabinet, was his former very distinguished colleague from Armourdale.

Mr. MacDonald: Supplementary, Mr. Speaker.

Mr. Roy: I would hardly call that non-political.

Mr. Nixon: Cutting a little close to the bone there.

Hon. Mr. Rhodes: Trudeau is never surrounded by Tories.

Mr. MacDonald: Would the Premier confirm the membership of that committee? Was the listing correct, the one I gave during discussion of the private members' resolution carried on the order paper under the name of the Leader of the Opposition (Mr. S. Smith)? If not, would he correct it?

Hon. Mr. Davis: I always take great delight in correcting the member for York South. I can't often do it except on matters of real substance.

Mr. Foulds: On this one you can't.

Hon. Mr. Davis: In that this is a matter I know he wants to learn more about as a matter of urgent public interest I can't honestly recall, because I don't attend those meetings, whether that was the complete list.

Mr. MacDonald: If the Premier finds out, will he give me a list?

Hon. Mr. Davis: I will be delighted to inquire and to give the member a list of just about anything he wants—just about anything.

Mr. MacDonald: Very good, thank you.

Mr. Deans: Was that yes or no?

Hon. Mr. Davis: I haven't read the article.

Mr. Roy: The Premier hasn't read the article.

Mr. Breithaupt: He's two weeks late.

Mr. Roy: In view of the answer given earlier by the Premier that he does not attend these meetings, doesn't he feel as the political leader—

Hon. B. Stephenson: Is this urgent public business? You've got to be kidding.

Mr. Roy: —he should be attending those meetings rather than his deputy minister who is not supposed to have any political leanings, he is supposed to be apolitical.

Hon. B. Stephenson: That's why he's there.

Mr. Nixon: Maybe he's not going to use them if the government changes.

Hon. Mr. Davis: I think it should indicate very clearly to the hon. member how non-partisan and objective these recommendations are. It is because of my deputy minister's participation with this group that does recommend names from time to time, which ultimately have to be approved by cabinet—

Mr. Roy: How come they are all Tories?

Hon. Mr. Davis: —that he handles this very onerous responsibility extremely well and gives it that measure of objectivity. Let me say to the hon. member everybody this government appoints is there because of the intelligence, the logic and the ability that he or she possesses to bring to the job.

Mr. Swart: Political affiliation.

Hon. W. Newman: That's why you would never make it.

REPORT

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Office of the Provincial Auditor be granted Her Majesty for the fiscal year ending March 31, 1978:

Administration of the Audit Act and statutory audits	\$1,956,000
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INTRODUCTION OF BILLS SPECIAL EDUCATION PROGRAMS ACT

Ms. Gigantes moved first reading of Bill 109, An Act respecting Special Education Programs.

Motion agreed to.

Mr. Speaker: I wish members would present bills to the Chair in the proper form. There's absolutely no information on this at all.

Ms. Gigantes: This bill guarantees access to education for all children of compulsory school age who suffer from any kind of chronic physical disability or any kind of learning disability, including the blind, deaf, autistic, mentally handicapped and perceptually handicapped, or for children who are exceptionally gifted.

ORDERS OF THE DAY

CITY OF BURLINGTON ACT

Mr. Ruston, on behalf of Mr. Reed, moved second reading of Bill Pr8, An Act respecting the City of Burlington.

Motion agreed to.

Third reading also agreed to on motion.

CASGRAIN TOWNSHIP LANDS ACT

Mr. Maeck, in the absence of Mr. Lane, moved second reading of Bill Pr12, An Act respecting Certain Lands in the Township of Casgrain.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF KITCHENER ACT

Mr. Breithaupt moved second reading of Bill Pr17, An Act respecting the City of Kitchener.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF SARNIA ACT

Mr. Blundy moved second reading of Bill Pr25, An Act respecting the City of Sarnia.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF SARNIA ACT

Mr. Blundy moved second reading of Bill Pr34, An Act respecting the City of Sarnia.

Motion agreed to.

Third reading also agreed to on motion.

SHORE AND HORWITZ CONSTRUCTION COMPANY LIMITED ACT

Mr. Maeck, in the absence of Mr. Handleman, moved second reading of Bill Pr35, An Act respecting Shore and Horwitz Construction Company Limited.

Motion agreed to.

Third reading also agreed to on motion.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following ministries were concurred in by the House:

- Ministry of Colleges and Universities;
- Ministry of Labour;
- Ministry of Treasury, Economics and Intergovernmental Affairs;
- Ministry of Government Services;
- Ministry of Industry and Tourism;
- Ministry of Revenue;
- Ministry of Community and Social Services;
- Management Board of Cabinet;
- Office of the Assembly;
- Office of the Provincial Auditor.

Resolution for supplementary supply for the following ministry was concurred in by the House:

- Ministry of Community and Social Services.

[3:15]

MUNICIPAL ELECTIONS ACT (continued)

Resumption of the adjourned debate on the motion for second reading of Bill 98, An Act to revise the Municipal Elections Act, 1972.

Mr. Ashe: Mr. Speaker, nearly one week ago the debate on second reading of Bill 98 was adjourned at 10:30 in the evening. I had accumulated, at that time, approximately eight pages of points, questions and concerns expressed by some of the hon. members. I will try, at this time, to touch upon some of the concerns, questions and acknowledgements recognized by the hon. members at that time. I'm taking them pretty well in the order they were submitted as the various speakers spoke and not in order of importance, only because during the week you lose some continuity.

The hon. member for Waterloo North (Mr. Epp) actually complimented the process that had taken place. He recognized that the consultative process had been used and of course was working very effectively through the processing of the amendments to the Municipal Elections Act. He recognized the joint committee that was established and what took place, the election date being the second Monday of November and the emergency powers now bestowed to a greater degree on the clerk and not recognized before. He indicated some support for three consecutive hours off, an amendment we'll be considering later on. As I understood it he was considering the dialogue at that time and was going to consider very actively the debate as to whether the hours on voting day should be expanded or not. In that regard we feel based on the reaction from municipalities and the joint committee, they should not.

Mr. Deputy Speaker: Order, please. There are a number of conversations in the chamber creating a disturbance.

Mr. Ashe: There is an amendment being proposed by the Liberal Party relating to the removal of the eligibility to vote of other British subjects but the hon. member for Waterloo North accorded general support to the bill in second reading, which is very much appreciated.

The hon. member for Welland-Thorold (Mr. Swart) spent a great deal of time in discussion of the bill recognizing, as we all do I think, in this House, this is an important piece of legislation. Bill 49 was an important piece of legislation and Bill 98, because it's twice the number—I guess twice as important. The government is treating it ex-

actly that way, as are most of the hon. members.

He asked at that time, as did many members of that particular party, where the Treasurer (Mr. McKeough) was and I'm sure all members of this House appreciate and recognize the responsibilities of the Treasurer and, if you will, Mr. Speaker, the delegation of authority within his parliamentary assistant in regard to municipal legislation.

He mentioned the joint committee had been established and established the fact it was in place. I am afraid that particular party didn't recognize that the joint committee, the AMO-AMCTO committee should be on because it didn't feel it was worthwhile to have an ongoing consultation with the committee, such as the government did because that was part of the process that it felt was the right way to go and obviously has proved to be so.

The hon. member, in giving his opinion of the bill, referred to several failings, out-moded procedures, the Municipal World editor and what he had said in an earlier edition last year. I think the one thing he did forget to say was that many of the concerns that were expressed on behalf of Bill 49, of course, were amended and are recognized in Bill 98, because of the consultative process—not in spite of it, but because of it.

There was, of course, the recognition of responsibility, the reference to three hours of time off, the hours of voting within the Election Act, the fact that the amendment by the New Democratic Party covered these items. Again, I would respectfully suggest to this House that those who were involved in the consultative process with the municipalities and with the joint committee would now recognize that neither the municipalities nor the joint committee favour returning to hours of election that would include 9 a.m. to 11 a.m. I think anybody who has been part of the municipal election process in recent history would realize and recognize that there are very few people who take the opportunity to exercise their franchise in those two hours.

It was also expressed that it put a very unfair burden upon the people who are working on election day because of the greater time-consuming process involved in tabulating the results from a municipal election. There are normally many more ballots than there are for counting either in a provincial or a federal election.

Disclosure and financial inclusion, of course, are not in the present bill. There is one amendment coming forward in that regard.

I particularly took offence again at the reiteration that the consultative process was a myth. I have a chronological diary of the consultative process that did take place with the joint committee that was established on an ongoing basis for approximately two years and the reaction that was received as part of the consultative process directly from the municipalities.

I might point out that the hon. member for Welland-Thorold if he were really concerned, sincerely concerned, with the consultative process, would have taken time out to consult with his local elected member on that committee, who happens to be from his own riding. It is my understanding and information that not one time during the whole process did he even manage to touch base with that person. So although there's reference to the consultative process, in actual fact I really don't think the members of that party really wanted to hear what the committee had to say, but only what they perceived that they might want to say. There's a distinct difference.

Mr. Swart: There were two from our area. I talked to one. Which one are you talking about?

Mr. Foulds: Which one are you talking about, the Progressive Conservative Party?

Mr. Ashe: I have made reference to the man whose remarks I am referring to, the hon. member for Welland-Thorold.

Mr. Foulds: Let me tell you something. He has more lines out in this area than your party has or could ever hope to have.

Mr. Ashe: With reference to the consultative process and the playing of the game and the filing and tabling of a bill before the actual report of the joint committee had come forward, again as part of the consultative process there was an ongoing involvement and knowledge of what the committee was thinking. Bill 49 was tabled at the time; it was because the timetable pretty well necessitated that. It was a further discussion point, but it was recognized even at that time by all concerned that substantive changes to that bill were going to be considered. That was a planned process.

Mr. Swart: Why did they criticize the government?

Mr. Ashe: I can appreciate that some hon. members don't appreciate that sometimes you can actually plan things in that way, but that really was the government's direction all of the time.

Mr. Swart: Why did they officially criticize the government, then?

Mr. Ashe: I think it is fair to say that at the same time, most of the members of that committee recognized that process for what it was doing, what it was trying to do, and, in fact, what it did do. The rhetoric in this particular regard was of course irrelevant, to say the very least.

I appreciate the fact that there was agreement with some of the general concepts of the bill. Many of the suggested amendments we will be dealing with in more specific terms, but I think part of our job—as it was for the joint committee and as it was for most municipalities—was to recognize that we not only have an electoral responsibility, we also have a fiscal responsibility. I think that is reflected in the date that is being proposed by the government and not the date that is being suggested by the members of the third party.

On specifics, there was reference in the hon. member's remarks as to the election day—

Mr. Foulds: You really don't understand very much, do you?

Mr. Ashe: I understand it. Unfortunately the member doesn't, because he doesn't believe in the consultative process that he speaks about.

Mr. Foulds: What kind of nonsense is that?

Mr. Ashe: The member wouldn't know.

Mr. Foulds: What rhetorical claptrap—and you don't even do it well. You had better get some sound advice before you engage in that kind of stuff.

Mr. Deputy Speaker: Order.

Mr. Ashe: The more I hear from the hon. members over there really just doubles the fact that we already know—from being a party to, and supportive of, the consultative process—that to be consultative, you have to talk to other people—

Mr. Foulds: You don't know what consultation is. To you, consultation is listening and then ignoring.

Mr. Ashe: —not create preconceived notions and preconceived conditions of what the other side thinks it wants.

As I think was acknowledged by the hon. member—

Mr. Foulds: You are getting to be as arrogant as McKeough, and that takes some doing.

Hon. Mr. Kerr: Mr. Speaker, call that man to order.

Mr. Ashe: Mr. Speaker, if he would shut up for a few minutes, you could hear me speaking.

Mr. Deputy Speaker: Would the member for Durham West disregard the interjections and answer the questions raised during the debate?

Mr. Swart: Is "shut up" parliamentary language?

Mr. Ashe: Thank you, Mr. Speaker. I think the hon. member for Welland-Thorold did recognize and explain the difference between the press release of the NDP relating to the proposed election date and the actual one that is being proposed by amendment. There was at least some recognition in terms of one week that the proposed date is not too practical.

We feel and, of course, know that the proposed date is not practical; and as we get into clause-by-clause debate, I will, I hope, be able to pass on for the information of the hon. members some of the specifics as to why the proposed date is not too practical from a fiscal point of view. I will try to skim over some of these, because many are in support, one to the other and vice versa, and there is much duplication.

I will move on to the hon. member for Essex North (Mr. Ruston). I think he recognized, because of his own particular situation, the emergency procedures that were now being given because of a situation in his area, and the declaration of emergency that now could be made by the clerk. He indicated some concerns as to the possible challenge of the right of the clerk to make this particular declaration, but he did put forward a particular suggestion regarding "challenge by a notice of motion," and I must say we haven't been able to find out what that particular reference was to. We felt that in the particular section, if the clerk used any kind of reasonable judgement at all, his decision as to the declaration of an emergency could not and would not be challenged in any way.

He was in support, I think, of the allowance of the electorate to get on to the eleventh hour, so to speak, to become eligible to vote; and, of course, this is recognized within the bill.

The reason for the 10 names to qualify to be a candidate was recognized and discussed, not only by many municipal people directly in the municipalities but also by the joint committee and by the government. There were many indications and suggestions that this should be made more difficult—the qualifications should be made a little more demanding—but it was felt that as part of our democratic process we should make it as easy as possible for a candidate to qualify. So, although there are many pros and cons

to that, as long as we support it to the degree we do, the democratic process and that elective office is available to anyone. Keeping it easy, such as having 10 qualified electors to sign a nomination paper, was the way it should be.

I think the member for Essex North indicated support on the date of the election.

The hon. member for Hamilton Mountain (Mr. Charlton) supported the change in the election date to October, and indicated that the only thing that would have to happen would be some minor changes in the election enumeration and that the assessment commissioners would have no problem in that regard and all the ones they talked to saw no problem in that. I guess they must talk to different people than we do, but I'm sure anyone who has looked into the process would recognize that the physical enumeration in the field, if you will, is one small part of the job, and we'll be discussing that in greater detail in clause-by-clause examination of the bill.

[3:30]

Mr. Davison: Is he using the royal "we"?

Mr. Ashe: What?

Mr. Cureatz: It's okay. He's just being arrogant again.

Mr. Ashe: We also acknowledge, as was pointed out by the hon. member for Hamilton Mountain, that municipal elections are just as important as other elections. I think the point was being made on the basis that we do not recognize that. We do. I think again the process that has been involved, and amendments, have been designed to recognize the importance of municipal elections and to recognize that people should have the availability, not only to become candidates but to be able to cast their ballots in a reasonable time and during a reasonable time frame.

The time of the poll also was a major point made by the hon. member for Hamilton Mountain. I think that tied into the fact that he considered it important, if the polling time for a provincial election is from 9 a.m. to 8 p.m., that we should be recognizing a municipal election with the same time frame. I won't repeat what I said earlier regarding the reasons why it shouldn't be, but on the other side of the coin I think that if 11 a.m. to 8 p.m. is the right time, maybe it's not the Municipal Elections Act, but the Election Act, that should be changed. Possibly that can be reviewed at the appropriate time.

The hon. member for Sarnia (Mr. Blundy) also emphasized the importance of municipal elections and said the municipalities and the

elected municipal servants delivered a very important personal service. There is no doubt about that. He recognized the relatively small turnout that seems to be experienced at municipal elections for some unknown reason. We're all doing our best, I think, to try to encourage a greater turnout and to increase the 30 per cent to 40 per cent turnout that most municipalities seem to experience. He recognized the consultative process that did take place and he acknowledged and supported the change in election date. He indicated quite rightly, and I'm using his words, that "it was foolish to open the polls at 9 o'clock."

The hon. member for Scarborough-Ellesmere (Mr. Warner) questioned where the Treasurer was, and I have to say he was busy with other important matters. As for his indication of steam-rolling things through, I would have to suggest that anybody who was aware of the process, as well as of the pronouncements, the consultations and the speeches delivered by the Treasurer and others to municipal associations and others, knew exactly what was going to be coming forward in Bill 49 and Bill 98 before they even reached the House. So I don't think it's fair to say, as I believe he said, that there was only one week to look at the bill. In terms of crossing the t's and dotting the i's, I suppose that's actually true. But as far as the content is concerned, I think all hon. members who wished to avail themselves of the information were quite aware of what the content of Bill 98 was going to be.

The hon. member also indicated that we should be trusting the municipalities. There is no doubt at all that the policy of this government is to give more responsibility and more trust to the municipalities, and in consultation that's exactly what is happening. The municipal election process is just one part of the total path that we are both travelling down together and generally in agreement, albeit not complete agreement. But part of consultation is still to have honest differences that you can discuss and hopefully resolve between yourselves. I don't think consultation is always coming up with a 100 per cent position as being the right position from either side.

There was an indication from the hon. member for Scarborough-Ellesmere that the majority of politicians from Metro Toronto want a three-year term. I'd have to acknowledge that's probably so. As we are all aware, I think it's safe to say that the majority of the politicians from all of the major metropolitan areas favour a three-year term. I don't

think this is an impossibility for consideration in the future.

This is not an area that was particularly dealt with, as members know, by the joint committee, but it is one that has been dealt with by the various municipal associations and the PMLC. It is safe to say the majority of municipalities per se do not favour the three-year term, albeit the municipalities which do have the electorate of a majority of the province behind their particular position.

It is also safe to pass on to the hon. members that in the response we are getting from the general public and others there is no doubt in general the public at large supports the retention of the two-year term, if only because it feels council should be accountable on a two-year basis rather than a three-year. There were even some smaller municipalities, believe it or not, that favoured going back to the one-year term. It is the feeling of the government at this time that the two-year term should be retained in this coming election and depending on the outcome of the major studies that are going on—Robarts, Mayo et cetera—possibly some change might be considered or recommended in the future.

The hon. member for St. George (Mrs. Campbell) made a reference to the fiscal year change. That is possibly something that should be looked at even further. There is no proposal in that regard within this particular legislation. The fiscal year is proposed to remain exactly the same. My own particular reaction to that from a straight operative point of view is that the difference in the fiscal year between the province and the municipalities is not nearly as significant now with early announcements to the municipalities of anticipated revenues that come from various grant programs, unconditional or conditional.

Although at one time the difference in the fiscal year was a major obstacle and roadblock in the financial planning of the municipalities, I don't think that has been the case or really is a serious concern of the municipalities in the last couple of years.

Mr. Haggerty: It still exists today.

Mr. Ashe: The hon. member for Windsor-Sandwich (Mr. Bounsall) referred to the timing of the election and the problems experienced in Windsor in 1974. On the length of term, he suggested a three-year term of office should be imposed. He indicated support for section 69, giving the clerk the power to act in an emergency without threat of being overruled. He felt this was a very necessary protection for the clerk in using his discretion and, of course, I agree.

The hon. member for St. Catharines (Mr. Bradley) indicated general support for the bill. He thought the changes, based on consultations, were wise ones and supported the earlier voting day. He supported the taking of office by the council on December 1, the concept of three consecutive hours for the opportunity to vote, and did express support generally for a three-year term as the view of municipal politicians. All in all, he had general support for the bill.

The hon. member for Haldimand-Norfolk (Mr. G. I. Miller) felt anything that could be done to encourage a larger electoral turnout was obviously a step in the right direction and supported the voting day change. He was concerned about there being three weeks after nomination date to the election. I would respectfully point out that this is no change from before. The three weeks are changed in the time frame but the actual three-week period, 21 days, is the same as it was when the election date was the first Monday in December. He generally supported the eligibility to vote and most part of the bill, such as uniform hours to vote. He was a little concerned about having only one week to study the bill. I have already commented on that earlier.

The hon. member for Erie (Mr. Haggerty) supported the date of the election. He suggested that maybe at some future time pre-registration for eligible voters be considered as in the United States in the party system that operates down there. He supported the option regarding the use of the French language in voting material and advertising. He supported the concept of election expense accountability and felt there should be consideration of a three-year term for larger municipalities with a population of 75,000 and over. He commented on the fact relating to the creation of wards within those municipalities that may not have wards, and of course this particular bill does not in any way create or attempt to create wards because it is beyond the purview of the Municipal Elections Act.

He supported leaving the voting hours as they are. He felt meals should be supplied to election day workers but I don't really feel that is the responsibility of the election day process and the expense of the electorate. That normally can be taken care of by people within their own means, as they do in most situations, regardless of the type of employment. He supports the concept of one mandatory nomination day and would really like to go back to the old nomination night procedure when you filed nominations from

8 o'clock to 9 o'clock on one particular evening.

He questions the fiscal year differential but supports the bill in principle.

There were other comments voiced by other members. I think they are pretty well duplications. The hon. member for Cornwall (Mr. Samis) expressed some input to the bill. The hon. member for Windsor-Walkerville (Mr. B. Newman), the hon. member for Nickel Belt (Mr. Laughren), the hon. member for Ottawa East (Mr. Roy), and last but not least, with two minutes to go, the hon. caretaker leader of the third party, the member for Scarborough West (Mr. Lewis), managed to put forward five particular points. It was quite obvious to me in the two minutes he did have he has been out of touch with the realities of the political system.

Mr. Davison: Boy, you should know.

Mr. Ashe: I suppose this is because of his heavy media commitments. He indicated the job before me was greater than anticipated. I don't think it is or was.

To deal with his five points specifically, he said the consultative process was abjectly neglected by the ministry and by the province. I would suggest anyone who took the trouble to check with the municipalities or the joint committee would know and recognize probably no other piece of legislation introduced by the government and dealt with by this Legislature has had more of a consultative process and involvement by others during the total process. That particular point was reiterated as late as last Friday at the provincial-municipal liaison committee meeting by no other than councillor Hazel McCallion who, as many members may know, is not always an avid supporter of the government in some of its procedures. So I take her commendation as to the consultative process in a higher light than some other members of that august committee.

The second point was that the date the government has chosen is wrong. We do have some financial responsibilities behind the decisions we recommend to this House. We know it is, in fact right, keeping in mind we don't feel the ratepayers or taxpayers of this province want to get involved directly or indirectly in increasing election costs by anywhere from \$4 million to \$6 million.

Point number three: The tenure it has imposed is arbitrary. In a sense, I suppose one could say it is arbitrary in that the terms of office were put down. But they were arrived at through many discussions, weighing all the pros and cons and trying to get the feeling, not only of the elected people within

the municipalities, but of the populace throughout the province of Ontario.

Point number four: It has no provisions for disclosure or indeed for maximum spending. That is true. There is one amendment with which this body will be dealing relating partially to that particular situation and again, we feel, based on setting up "an election-type commission," we should not be doing this at this time. The member is talking about a large sum of administrative moneys. Where are the financial resources to fund this particular expense?

Point number five: It has failed to take regard of the need for some emphasis on bilingual realities in the province of Ontario. I would suggest to you, Mr. Speaker, this is a fallacy. We've suggested in the best way possible we are giving the options to the municipalities.

[3:45]

If the member wants to give back the authority and the determination to the municipalities to do as they see fit, that's exactly what we are doing with the particular portions of Bill 98 as they relate to the use of bilingual forms. English is still the official language of this province; I think it has to be specified as being number one and the option is there for all areas which have any bilingual populace at all. Again, if you want to let that council decide, it can determine by bylaw if it wishes, to go through the election process and the forms et cetera, using both languages.

In closing, Mr. Speaker, I hope I've responded to some of the concerns. I've covered a lot of the points that many of the hon. members covered in some four hours last Tuesday, and I would hope that now we can proceed with the adoption in second reading and proceed to committee of the whole House to consider these 30 odd amendments that we have before us. Thank you, Mr. Speaker.

Motion agreed to.

Ordered for committee of the whole House.

INCOME TAX DISCOUNTERS ACT

House in committee on the whole on Bill 99, An Act to regulate the Discounting of Income Tax Refunds.

Sections 1 to 3, inclusive, agreed to.

On section 4:

Mr. Davison: Section 4 is the section in which we attempt to exert some influence over the fashion in which discounters charge hidden charges or extra charges or charges other than the discount charge per se. And the effort we've made is to control the

charge for services, including the completing of the income tax return for the taxpayer. The word the minister has used is that no discounter shall make an "unreasonable" charge for any service. It goes on to explain what will determine a reasonable charge.

I for one would like to commend the minister on this new initiative. It wasn't something that was found per se in bills in other provinces in Canada.

Mr. Foulds: That really knocks you over, eh?

Mr. Davison: I won't be totally kind in my remarks. But I'll start off nicely.

Hon. Mr. Grossman: Go ahead, conclude that way too.

Mr. Foulds: Yes, in between you get the ugly ones.

Mr. Davison: I think, though, Mr. Minister, what you've probably done is drawn the attention of the House to another problem, responsibility for which falls within your ministry. You are right in identifying as a problem the looseness or the lack of monitoring in this whole area concerning those who fill out tax forms. But I'm not sure that the attempt to deal with it amounts to a credible attempt.

I'd like to refer, if I might, to an article that appeared in the *Toronto Star* on Saturday, April 2 of this year, in which Paul King, who was a staff writer of the *Star* at that time, had made up a hypothetical group of statistics, facts and figures which he then proceeded to take around with his new identity as a teacher, I think, to various firms in the city of Toronto that were providing the service of filling out the income tax forms, which is a service that we address ourselves to in section 4. He took his form to 10 different companies—

Mr. Breithaupt: What has this got to do with the bill?

Hon. B. Stephenson: That is what I'm concerned about.

Mr. Davison: From which quarter was that comment? I would answer it, Mr. Chairman, as section 4, trying to provide some control—

Mr. Foulds: Right on.

Mr. Davison: —over the practices involved in people filling out the tax forms—

Mr. Breithaupt: Oh.

Mr. Davison: The minister has said that we have to use this word "reasonable" or "unreasonable." What I'm trying to do, with the kind permission of the Chairman, is to determine what we mean by unreasonable.

He then took his figures to 10 different companies and the companies, if they had

done their work properly, would have found that he should have had a return of \$1,008.70.

The first company he took it to was H and R Block on Yonge Street and they were very close. They told him he would have a refund of \$1,038.39 and for that they charged him \$40. They were very close, but they figured it out wrong.

Then he went to Beneficial Finance Company of Canada on Bay Street. They charged him \$30 and indicated that he owed the government \$46.86. This was somewhat of an error on the part of Beneficial Finance.

He then took his forms to United Tax Service on Bay Street. They only charged him \$15 and they told him that his refund from the government would be only \$741.20. They also were out by a substantial amount.

He then took it to Eaton's at Yonge and Dundas Streets, had the form filled out at a cost of \$58 and was told that he would have a refund of \$1,135.50.

He took it then to D.C. Smylie and Associates of Eglinton Avenue East and they charged him \$50 and told him he would get back \$1,135.50.

He took it to Simpsons. They filled out his form at a cost of—

Mr. Breithaupt: Is there a Macy's in town or a Gimbel's?

Mr. Davison: I can't find the cost. At any rate, they were out by \$234.90 and had charged him \$25.

Hagerman Jones and Company, whom he took it to next, charged him \$30 and told him he would have a refund of \$361.22.

Canada Trust Tax Return filled it out for \$40 and told him he'd have a refund of \$1,011.50.

Gerald Doyle charged him \$50 and told him he would have a refund of \$907.10.

Finally, General Tax Service, for a fee of \$24.25, told him that he would have a return of \$1,034.80.

The point I'm trying to make—and I think the article makes it fairly well—

Hon. B. Stephenson: Weakly.

Mr. Davison: —is that indeed the minister has found a problem. Which of those rates is reasonable when they range from \$15 to \$58—that's a considerable difference—which of those companies is providing a proper service, which of them isn't, when one of the companies is out by over \$1,000? And none of the companies are terribly close.

I don't quite understand what section 4 will really accomplish. It sounds nice and it's a step in the right direction, but I think

that if we're going to solve this problem, we'll have to deal not just with those who are discounting income taxes but with those businesses in general.

You have shown us that we have a need for legislation from your ministry and I hope that you'll take that under consideration. Income tax time is coming upon us shortly. I would be quite happy to see, before the House in the next few weeks, legislation that would give effect to the opinion that you've put forward in section 4 that these companies shouldn't make an unreasonable charge. They'd also see legislation that would encourage these companies to fill out the tax form properly. Thank you.

Hon. Mr. Grossman: Mr. Chairman, to deal once again with section 4, I think we should repeat that this is obviously only a statute to deal with income tax discounters. It's not a statute intended, purported or held out in any way to be dealing with the charge made by people who are in the business of filling out and preparing income tax returns.

If the member will think about it for a moment I'm sure he will agree that he could go to any number of accountants or lawyers for some assistance in preparing income tax returns and get, indeed, not only a wide range of charges but a wide range of results. Fortunately, National Revenue does look at these things, does some checking and often corrects even the professionally-filled out form.

In any case, all that is extraneous, as were most of the remarks, because the subject here is a section which is meant to avert a move made by true tax discounters to get around the Act, to loophole the Act, by making an unreasonable charge for allegedly preparing the form.

I think the member will agree with me that in order to make the same type of money they were making as true tax discounters they're going to have to charge such a totally unreasonable fee—ranging a lot higher than the fees read out by the member a moment ago—that it will surely not be difficult to spot a charge for preparation of income tax returns that is tantamount to what formerly was an 800 per cent per annum rate of interest. That amount of service charge for the preparation of an income tax return really shouldn't prove to be that difficult.

I know the member will agree that we have to have this clause in here; that we must do something to prohibit the unreasonable charge. I hope he will agree that the only sensible way to do this in a piece of legislation is to specify some of the criteria upon which that assessment will be made. If he'll think about it for a moment I think he'll see

that the amount they have to charge for preparation will be so gross and astronomical that it should be fairly easy to spot. In fact, I don't anticipate much attempt in view of this section to circumvent the intent of the Act in this route.

Mr. Deputy Chairman: The member for Hamilton Centre. Are you still on section 4?

Mr. Davison: Yes. The point I'm trying to make, Mr. Minister, is that the approach you're taking is the correct approach. We don't want these characters to stay in business because they can circumvent the purpose of the Act by charging an unreasonable amount of money.

The point I was trying to make to you by example is that when a fee for a service can vary from \$15 to \$58, and who knows how much higher, what is "unreasonable"? When these guys can justify charging three, four or five times the going rate for service, they'll make such an amount of gravy from this service that they'll almost be doing as well as they did in their previous business because it's a much more lucrative field than this one.

All we may do, without companion legislation, is take these guys out of the business they're in now and put them in the business of filling out income tax forms. If these guys are ripping off the consumers in the area of discounting, I don't think that it's particularly useful to kick them out of that and throw them into this other area where they can rip off the consumers.

[4:00]

Recall, please, I commended you for the effort. One, I just don't know how we are going to define unreasonable charges when the market rate goes anywhere from three to four to five times the lower rates. Two, do we just shut off one avenue of attack on the consumers and turn these loan-sharkers into slick accountants?

Hon. Mr. Grossman: Mr. Chairman, let's try and keep in mind what is likely to occur. The member is concerned we may drive these people into a different business. That's fine. I want to make it clear it's okay with me if they go out of tax discounting. If they go out of tax discounting, they will in fact become just another firm of people who are helping people make out their income tax returns.

I would wonder why someone would go to—I don't want to use any names, but So and So Tax, formerly discounters, now carrying on business as income tax return preparers, that are charging 50 and 60 and 70 per cent, when they can go to any of the firms read out by the member, including Eaton's and some others, which are providing this service as a

true, longstanding, reputable income tax preparing service?

In fact, they won't go to these people, because the only reason they are going to the people we are dealing with today, is the consumer is walking in with an income tax return and walking out with money. Once that aspect of the transaction has gone I don't expect to see consumers walking back into the place that's open on Yonge Street near my office to have their income tax return prepared and walk out with less money than they walked in with.

The operation we are dealing with today is people who can open up and offer you cash for your income tax return. Once that's gone out of the business then the people we are worried about, in essence, are unlikely to go into the other business.

As I say, I understand the point and obviously we don't like to see unreasonable charges made in any business. My point is you can go to a whole range of lawyers and accountants who will charge probably at least the rate you have read out of the paper and maybe more for preparation of returns. You always have that problem whether you are looking for a divorce or an income tax return prepared. I mean the member for Brant-Oxford-Norfolk (Mr. Nixon) and I may disagree about legal fees, about Legal Aid and about lawyers, but I can tell you in many instances you will find all sorts of explanations. You know—"This was complex"; you spent that amount of time on it; "You wanted special attention"; I didn't know you had an extra form." This is not, I want to make clear to the member, my way of justifying any sort of charge, be it reasonable or unreasonable. In all instances, I would hope that everyone carrying on business, whether it's preparation of income tax returns, or dare I say coffee, the calculation of the charge has some reference to the actual cost of doing business.

Against the people who—H and R Block, to name one firm—offer fairly effective, quick assistance, the discounters cannot compete. Eaton's and so on present a pretty available service and pretty stiff competition for anyone who really wants to charge an unreasonable amount for simply preparing a tax return.

Mr. Davison: Just one last word, Mr. Chairman. I don't mean to belabour the point, I just wanted to point out to the minister the definition of unreasonable charge is going to be a problem. He should be aware of that. Two, the minister has in fact pointed out another problem involving the whole question of income tax.

Could I perhaps just leave it with the minister in this sense: We are dealing with a difference in terms of consumer education and consumer protection.

I remember when I talked to some people about the issue of the income tax discounters earlier this year, the response was: "Well, you know, these people could go to a bank; they don't have to go to an income tax discounter. If they are so silly they are going to go in and pay a 2,000 per cent interest rate to this income tax discounter instead of paying 13 per cent at the bank, or 18 per cent at Avco, or nine and a half per cent at the credit union, what do you expect the government to do about it?" That's an attitude of consumer education—that the consumer is going to have to educate himself. Maybe the ministry will move itself to the point of saying, "Consumers, beware of this problem."

The point I am making, and the point accepted by this legislation, is that the ministry and the government have a responsibility in the area of consumer protection. If individuals or corporations are ripping off the consumers then the ministry has the responsibility to move into that area and exert influence or control, moral suasion or legislation.

I am asking the minister to look at this problem area over the next few weeks. Perhaps he can take a look at some of the companies operating in this field and see if we are going to be able to deal with problems that may arise with wording such as "unreasonable charge." Secondly, perhaps he can examine what should and can be done about the overall problem of the people involved in preparing these income tax returns.

Hon. Mr. Grossman: I want to assure the member that we have worried about the wording of this section. Obviously "unreasonable" has potential for some disagreement about what is and what isn't. We resolved it by convincing ourselves that not many people are really going to make a serious attempt at doing this. Secondly, if it is anything tantamount to tax discounting, the "unreasonable" will be so gross that it will be easily spotted.

I do appreciate the problem and I would be happy to receive any comments the member may have as this thing develops.

With regard to consumer education, I mentioned this earlier and we will be talking about it in my estimates, which are to start shortly. I am very much aware that consumer education must be pointed at those who are most susceptible to ripoffs, rather

than being pointed towards those who are able to look after themselves by hiring lawyers or reading all the available materials. That point is well taken, and perhaps we can have a further and better exchange on the subject in the estimates.

Mr. Blundy: In first reading, I mentioned that we felt this was a timely bill that we must support to rectify a situation that has been going on for some time. At this stage of the legislation I want to reiterate the support of my party for this bill. We really feel the bill will very likely overcome the problem we had been encountering in this city and throughout Ontario.

The member for Hamilton Centre raised a good question. I believe it will not be a problem as far as what is carried on under the jurisdiction of this bill is concerned. I believe that most people will not continue to go to a discounter of an income tax rebate; this is going to discourage it very much.

The matter of the varying prices that accountants and others charge for anybody who patronizes them is going to be managed by the competition in the business and in society. There isn't much that can be done in that way, certainly not in the discussion of this bill.

The point raised by the member for Hamilton Centre is a good one, and could be the subject of information to consumers, informing them of just what sort of services are available and what sort of charges are made for those services. But that is another question. I feel this is a good bill and we support it 100 per cent.

Section 4 agreed to.

Sections 5 to 9, inclusive, agreed to.

On section 10:

Mr. Davison: I don't mean to be seen as wanting to be overly punitive towards some of these companies, in spite of the social damage I feel they've caused. I don't want to take out my punitive instincts on some poor office clerk or the guy who happens to sweep the floor in the discounting office. But I'm not convinced that a fine of \$5,000 is really adequate.

I can see reasons for having even a lower fine, as far as the employees of the firms or the people involved are concerned. Perhaps a more adequate arrangement—and I don't intend to make it an amendment—would be to consider a fine for the corporation or the company or the partnership or whatever arrangement they're operating under, a fine perhaps in the neighbourhood of \$25,000. With an upper limit of \$25,000 and no

lower limit, a court may be more inclined to give a heavy fine.

I've seen in the House, as I know other members have, many pieces of legislation—perhaps the best examples are in the environment field—where there is nothing too wrong with some of the penalties. However, there are assessments of \$100 where the fine should perhaps be \$5,000. If with these corporations we had a substantially higher upper level for the fine, we may get a bit more respect for the law. If what happens is that every time the discounters are convicted they simply get a \$100 fine, it may well be in their interest—it certainly will be in their interest—to say damn the fines and keep going.

I suspect the minister has already considered that but I'd like to hear his explanation of the points laid out in section 10.

Hon. Mr. Grossman: Looking at the total concept of what this bill is likely to do, I can never tell what a judge is going to do, regardless of what the maximum is. That's something we all live with. Although with judges being lawyers, we're in fairly good hands, I suppose.

Mr. Swart: A bit prejudiced.

Mr. Bounsall: You can't say that with a straight face.

Hon. Mr. Grossman: I wish I had been here yesterday when the member for Brant-Oxford-Norfolk (Mr. Nixon) was on. We won't dwell on lawyers this afternoon.

The people we're really after are the people who are institutionalizing this practice—people who are going to go into business, open up on Yonge Street and take in dozens and hundreds of consumers. The question is, are they going to risk the possibility that a judge is going to come along and slap them, not with a \$5,000 fine for opening up, which isn't what the Act says, but a maximum of a \$5,000 fine for each and every tax return they put through and take a discount on? If they are in there for any amount of business, say, 10 in a day, they are liable to a fine. I can't guarantee what erstwhile lawyers-cum-judges will do. One would think, if the ordinary practice is followed—and I know the member will be aware of this—as offences tend to repeat, the minimum fine moves up to the maximum.

If anyone is going to go into business the decision that person is going to make is, "Do I want to risk the possibility of facing perhaps one \$25 fine and a second \$50 fine, but by the tenth fine it's \$5,000 and on every fine after the tenth form I fill out, I'm liable to \$5,000?" It's hard to make a profit when

one is paying \$5,000 fines for every income tax return one is discounting.

[4:15]

The point is I am convinced the section has sufficient punitive powers to discourage anyone from going into the business and running that risk. That is the important thing. It is not a section like some other laws to get the guy who speeds. Although he continues to drive a car, he speeds once in a while and he pays that fine. This is a different sort of thing; it is to discourage people from engaging in the practice as an overall practice.

Looking at it from that standpoint the \$5,000 should be far more than sufficient to stop people from carrying it on as a general practice.

Mr. Davison: That rather depends on how enthusiastically these characters are pursued through the system.

Hon. Mr. Grossman: They will be.

Mr. Davison: They will be by the ministry?

Hon Mr. Grossman: If you will recall the other sections of the Act with respect to them filing with us, posting notices, I have already stated my current investigative staff will be checking on what is happening and so on. I can really say to the member it will be pretty closely watched and policed.

Mr. Davison: Mr. Chairman, this may well be out of order, but I am sure the minister will indulge me.

While section 10 applies to what happens if we catch them, we don't really deal with how we get them. And the minister, I suppose, is aware there are in our society certain elements that operate beyond the law, especially in our major urban centres. There is an involvement of organized criminal associations in areas like this and other loan-sharking fields.

While I realize it is not really the responsibility of this ministry to crack down on those kinds of criminal activity there seems to be some way in which we can penalize these people if we catch them. But how do you deal with the problem of the neighbourhood loan shark discounting these forms and not opening up a corner store and dealing with the ministry? I guess what I'm asking is will the ministry be active in that sense, in pursuing this to track down the people, be they individuals or those involved in organized crime, to make sure we catch them and stop them from involvement in this?

Hon. Mr. Grossman: I would be less than honest if I said we were going to hire a massive force or even one additional person

to go traipsing through all the back porches and back fences of Hamilton. We don't have this going on in the back streets of Toronto, of course, but in Hamilton, I understand the member's concern.

It is something any police force can and should be pursuing as any other activity beyond the law. We have as well an investigative force in our ministry and I have indicated they will be covering it and watching it. I can't tell you they are going to be going into every pool hall in Ontario to check what is going on. We just have a maximum amount of work we can do and there are more heinous consumer offences with which we are concerned. We really are satisfied this will eliminate a vast majority of what is going on. What is left ordinarily will be within the purview of the police departments in pursuance of their other duties and I would expect if I could add investigative people to my staff, the member would probably agree he would prefer I allocate that extra resource to some other area of consumer problems.

Having said that, I want to assure you we will be watching pretty carefully, to the largest and feasible extent possible to effectively cut out the practice as we see it. Together with the other provisions of the Act I think it will work fairly successfully.

Mr. Davison: I just wanted to point out to the minister if we are successful in driving these rather shady characters out of business, what in fact, could happen is the service will be taken over by even shadier characters. As long as the minister is aware of that concern, perhaps we can deal with it at another point in time. If in fact, that does happen perhaps the Attorney General (Mr. McMurtry) will be the appropriate minister to deal with it when it gets that far along. But I want the minister to understand it is a real concern. There are people even worse than Mike's Tax Service, or Instant Cash, or Shield's Tax Service.

Hon. Mr. Grossman: Do you have a tax service?

Mr. Davison: No, no, they are using my name terribly. They're abusing my name.

Mr. Samis: Larry's Tax Service too.

Mr. Davison: Yes, there is a Larry's Tax Service.

Hon. Mr. Grossman: It may be an improvement. Could help you.

Mr. Davison: It is not overly far from here.

Mr. Foulds: Shouldn't have raised that point.

Mr. Deputy Chairman: Order.

Hon. Mr. Grossman: I tell you he is a better operator than Mike's, though.

Mr. Davison: I just want to leave that with the minister as a concern I have and I hope he shares it.

Mr. Deputy Chairman: Shall section 10 carry?

Section 10 agreed to.

On section 11:

Mr. Davison: Mr. Chairman, I gave notice of an amendment to section 11 last week and I would like to put it at this time.

Mr. Foulds: It is only a section? Good, I can go back.

Mr. Deputy Chairman: Mr. Davison moves that section 11, subsection (e) be deleted.

Mr. Davison: When sitting on the statutory instruments committee I get very concerned about the powers we give in regulations. We live in a society where in many cases we are governed by regulation rather than legislation. As a legislator in this province I am very concerned about delegated authority.

Quite frankly, I trust the Lieutenant Governor in Council.

Hon. Mr. Grossman: And her ministers? And her entire executive council?

Mr. Davison: No, no, the Lieutenant Governor in Council.

Mr. Swart: That's pushing things too far.

Mr. Davison: Yes, you are pushing me too far.

Hon. Mr. Grossman: Always takes our advice.

Mr. Davison: I trust the Lieutenant Governor in Council. For example, if we are dealing with 11(c), the prescribing of the form and wording of notice, we are not going to run into a situation where we are going to get a business card stuck up in the washroom as notice to the consumers. There is no problem. But I frankly do not see the need for a subsection like 11(e) that in effect allows the minister to exempt any class of person from the provision of this Act. I suppose there could be reasons, but when in the Legislature, all of us, are reasonable men and women

Hon. Mr. Grossman: Let's not go overboard.

Mr. Davison: If the minister has a reasonable reason for requesting an exemption then the minister could simply come to us and put the case. If it was discovered, Mr. Minister, that in fact you were indeed the operator and owner of Larry's Instant Tax Service, and you found there was an un-

due hardship being worked on you, and you just couldn't get by with five per cent, and because you were the minister you should be exempted, you could come to us and put that to us.

Hon. Mr. Grossman: What would you do?

Mr. Davison: We are reasonable. We will be reasonable.

Hon. Mr. Grossman: That is what I am worried about.

Mr. Samis: You are not the only one.

Mr. Davison: And I suppose, too, I could come to you and we could deal with Mike's Tax Service—

Mr. Samis: And how.

Hon. Mr. Grossman: There is where we draw the line.

Mr. Davison: —in the same reasonable fashion. There is just no reason for legislators giving over that kind of delegated authority to put it into the semi-hidden, surrealistic world of regulations that go off and disappear through the statutory instruments committee just before the committee disappears.

If we have problems let us deal with them in a reasonable and open fashion. If you think a hardship is being worked, if you think that some class of person has to be exempted then say so and we'll deal with it.

Finally, the legislation in your ministry is different in other ministries. You're not like the Ministry of Energy, thank goodness.

Mr. Samis: Nobody is.

Hon. J. A. Taylor: What's that?

Mr. Samis: We are saying you are unique.

Mr. Davison: That's right.

Hon. J. A. Taylor: Special.

Mr. Samis: No, unique.

Mr. Davison: It is this minister who is charged with the responsibility of protecting consumers in the province of Ontario, among his other duties. This is an area of government in which we have to be up front with the people and, at times, the government isn't up front. That's why we need things like the freedom of information Act. If there is a time when the government should be up front and straightforward with the people, it's when we are dealing with matters affecting consumers, because all of us are consumers.

There's a special need in this ministry for getting rid of some of the fixations that this government has with delegated authority; this government by regulation. So let's not hide it, let's bring it out in the open. If there's nothing wrong then the ministry has nothing to be afraid of. The House will exempt those classes of people.

I hope to have a serious and specific response about the Ministry of Consumer and Commercial Relations as it is connected with this government by regulation. I hope the minister will adopt the amendment as his own, so we can begin in some small way to open up the ministry, which is so closed. It is so closed, indeed, that it doesn't even present an annual report. We should be able to open up that ministry to consumers, so consumers can see just what it is that you're doing in their service.

Hon. Mr. Grossman: Of course my ministry is wide open to consumers. Not only is it 100 per cent wide open, but it will be 150 per cent in the near future.

You can relax, because I accept the amendment. It's perfectly all right, we don't want to have any suggestion, and never have, that we unnecessarily have to go the route of regulations. In all fairness, though, I think you should be aware that it was never drawn or intended to be used—nor drawn, I have to repeat that—to deal with Mike's Tax Service or whatever, or any specific person.

It says in the legislation as drafted, 11(e) "exempting any class of persons . . ." That was obviously to look after a situation which I can't conceive of right now, where someone might be in some sort of operation which we didn't intend to include in this Act but was caught. If I could think of any specifics that could come up I would bring it to your attention and perhaps you would withdraw it, or I would not accept the amendment. But I can't.

Now often without such a clause, someone is more ingenious than the minister; this is hard to conceive of but it could occur. In which case I'll remind you of your offer to be reasonable and come back to the House. To be fair, not only to my ministry but to the government as a whole, when you see clauses like this, they are always for that very legitimate purpose. We often take the time of the House to ensure the intent of the House and the legislation was clear so that if someone comes up with an ingenious plan to loophole it, we can either get him out or, in this case, let him out from the onerous provisions of the Act. In any case, I don't anticipate any problems of that sort here.

[4:30]

I might just as well take this opportunity to confirm the openness of my ministry and our concern something like that could be taken by consumers as giving us an arbitrary power unnecessarily. I don't want it; I don't like that kind of power. For those reasons,

Mr. Chairman, I'm happy to accept the amendment.

Mr. Deputy Chairman: Any further discussion on the amendment?

Mr. Davison: Yes, I have a further comment. I rise to commend the minister for accepting the amendment. I would like to promise the minister that when he brings forward an annual report from his ministry to inform consumers of just what it is he's doing, when he adopts the intent of my private member's bill before the House, I promise not to faint from the excitement of it.

Hon. Mr. Grossman: Be my guest.

Mr. Davison: I look forward to it.

Motion agreed to.

Section 11, as amended, agreed to.

Section 12 and 13 agreed to.

Bill 99, as amended, reported.

MUNICIPAL ELECTIONS ACT

House in committee of the whole on Bill 98, An Act to revise the Municipal Elections Act.

Mr. Swart: Mr. Chairman, if I might propose a procedure I'll put it in the form of a motion. I move we stand down all sections of Bill 98 prior to section 11 until it's dealt with. May I speak to the motion?

Mr. Deputy Chairman: If it is agreed by the committee we move directly to section 11 there's no motion required. Is it agreed we deal first with section 11?

Hon. Mr. Welch: And then go back?

Mr. Swart: Agreed.

Mr. Breithaupt: Perhaps we could find out why we have to do this procedure.

Hon. Mr. Welch: It is the one dealing with the election day.

Mr. Ashe: There are 15 amendments.

Mr. Breithaupt: With respect to the date of the election itself? I see.

Mr. Deputy Chairman: It is agreed then? Agreed.

On section 11:

Mr. Deputy Chairman: Mr. Swart moves that section 11 of the bill be struck out and the following substituted therefor: "Polling day in a regular election shall be the Thursday in October that follows 45 days after the first Monday in September."

I must apologize to the members of committee of the whole House. I should have called first the hon. member for Durham West (Mr. Ashe) who is introducing the bill and who has an amendment on section 11.

Mr. Breithaupt: The amendment the parliamentary assistant is providing deals with a way of resolving, as I understand it, the problem of November 11 as a holiday, which really has nothing to do with this whole theme of Thursday voting. I presume if we can dispose of or deal with this other item first then the section will in effect be carried and we'll have that amendment. But whatever the parliamentary assistant wants.

Mr. Ashe: The proposed amendment to section 11 doesn't deal at all with the one I have. If this amendment carries, that's one thing. If it does not carry, maybe the next time through we can pick up our amendment to section 11 which is appropriate, as the member says, to recognizing the possibility of a holiday.

Mr. Breithaupt: Fine.

Mr. Deputy Chairman: I think it seems to be agreed by the committee we will first deal with the amendment of the member for Welland-Thorold. If that does not carry, then the member for Durham West will be able to place his amendment. Is that agreed?

Agreed.

Mr. Swart: Mr. Chairman, I believe this motion is self-explanatory and I would ask the members of all sides of the House to give most serious consideration to it, though it may be difficult for some of them to pay close attention to what I'm going to say with regard to this because it is a practical measure, unlike comments which have been made by the Treasurer of this province and others.

The first thing I want to say about the proposed time for the municipal elections is the committee which was struck by the Association of Municipalities of Ontario and the Association of Clerks and Treasurers of Ontario has not, in fact, made any recommendation as to date and therefore this does not contravene any proposal which they have made. In spite of what the member for Durham West said, the joint committee considering the amendments to the Municipal Elections Act was quite unhappy, not so much with the lack of consultation as with the unilateral decision of the Treasurer—I can't include the parliamentary assistant in this because he wasn't here at that time—to name a date for the municipal elections back in April, and bringing in Bill 49 to confirm that statement.

I gave some documentation of this when I spoke in the debate on second reading of this bill. Apparently it didn't all get through to the member for Durham West and I would, therefore, like to reiterate today, what

was said by this joint committee of AMO-AMCTO when they presented their report, called the final municipal elections report, in July. The joint committee agreed October had often been referred to as a preferable month in which to hold municipal elections. However, they realized there are timing problems which make November elections more practical. The committee was agreed the solution to these problems might be found if the timing or method of enumeration were altered. Before the committee could present its recommendation however, the Hon. W. D. McKeough announced the proposed date for the municipal elections and the dates of all the procedures for conducting those municipal elections to the April 15, 1977, meeting of the PMLC.

Then they went on to say: "The joint committee feels that it is unfortunate that the minister did not wait, as he had previously indicated, for the recommendations of the committee before announcing the above timetable." As a result I presume, this report, which was the major report of this committee dealing with municipal elections, didn't even include a recommendation or a comment as to the date because their prerogative to do so had been usurped by the Treasurer.

I'm not going to read into the record on this amendment everything said by the committee on this. But in the middle of September, Ellen Kerr, who was the chairman of that committee, again mentioned they were disappointed about the change in the election date and that the announcement was made prior to the minister receiving the committee's report. In the response to Bill 49, they made the same comment, so neither the Treasurer nor the parliamentary assistant can say the date they have chosen, the second Monday in November, is a date recommended by the municipalities. That is a date which had unilaterally been decided by themselves.

Our amendment calls for the election date to be on a Thursday, 45 days after Labour Day. In second reading, once again, I pointed out this conforms to the provincial election date. The reasons a government committee decided provincial elections should be held on a Thursday apply as readily to a municipal election date as they did to that provincial election date.

Monday is often part of a long weekend for many people. A Thursday gives a working day for election officials and the candidates immediately prior to election day. This is necessary for both. Of course, a Thursday gets away from a Monday holiday. Even here, in the amendments we have submitted

before us, before the bill has been passed, we find the minister has to bring in an amendment. Obviously in some year, the election day is going to fall on the statutory holiday, Remembrance Day. Therefore it is going to have to be moved to another day, which is a disadvantage.

Thursday, I think, has been accepted by the government as a good day for the election. I suggest if it is a good day for a provincial election, it is also a good day for municipal elections.

We suggest 45 days after Labour Day, just after the middle of October, is also a good time of year for municipal elections. The weather is better in the middle of October than it is in the middle of November. I think we all accept that, particularly in northern Ontario.

I pointed out before there are four other provinces which hold elections in October. Six of the other nine provinces hold elections at a date earlier than the one proposed by the government in Bill 98. I pointed out too that during the last 50 years—and I guess the member for Brant-Oxford-Norfolk is the only one who will remember back that far in this House—there has only been one provincial election held later than October. Therefore the government itself must consider that November is not really a good time to hold provincial elections.

Mr. Nixon: We had a federal election in November. It was a great success, I recall.

Mr. Swart: That's a subjective point of view.

Mr. Samis: Eighteen hundred and ninety-six was the year for us.

Mr. Swart: A columnist everybody here seems to pay some homage to, a Mr. Webster, in the *Globe and Mail*, made the comments after Bill 49 was brought down to hold the municipal elections in the third Monday of November. He stated: "Mr. McKeough proposed a change of polling date from the first Monday in December to the third Monday in November, but he will make no further concession to the beastly late year weather conditions which so often make Ontario municipal elections a mockery of democracy. Turn-outs frequently climb no higher than 30 odd per cent, less than half the usual figure for federal and provincial elections, which are of course almost never held in winter or on its fringes." He goes on to talk about another item and then said both of the arguments are nonsense. He said the argument against not holding it earlier is in fact nonsense.

[4:45]

Of even more significance than the weather, I suggest, is the fact our proposal would enable new councils to take office at the first of November. It would give any new members of council the opportunity to become familiar with the responsibilities; to do the necessary planning for projects in the following year and do the necessary pre-budgetary work that piles up early in the year, as all of us know who have been on municipal councils, making the situation at that time almost impossible.

I read into the record the comments of both Mr. Archer, as the commissioner for the Niagara region review, and Mr. Roberts, the commissioner for the review of Metropolitan Toronto, during the second reading of this bill. Those who were here and those who have read those reports will know they put forth substantive reasons why elections should be held in October and the councils should take office the first of November.

The 45-day period which we proposed in this amendment, compared to the 62-to-69-day period of running the election in Bill 98, I suggest would cause more public interest. Once the enumerators go around, the people say: "Oh, there is an election coming up, is there?" They forget all about it before the next procedures and the nominations take place. If you can shove it all in to a much shorter period, you get more interest by the public than dragging it out for a very long time.

When I spoke on second reading of the bill, the member for Essex North complained that it was a bad time for farmers.

Mr. Nixon: Oh, no. You should take that into consideration.

Mr. Swart: I come from a very important agricultural part of this province. The member for Essex North said in the debate of November 15, and I quote: "I can see why his party doesn't have any farm people in the Ontario Legislature when he talks like that. He wants to have the vote in the second week of October"—Of course, this doesn't provide for an election in the second week of October at all; it provides for it in the third week, perhaps even the fourth week.

Mr. Nixon: Forty-five days after the end of September, or something like that.

Mr. Swart:—"and I can tell you, in Essex county and southern and western Ontario that that is about the busiest time for farmers that there is, taking off the crop. The asphalt farmers down there"—I presume he is referring to the Niagara Peninsula—"just don't understand that you have got to get your grain off in the fall of the year; it has to be taken off and you can't be running up and

down the roads campaigning for reeve or deputy reeve or council."

I am not sure of the weather conditions there, but down in the Niagara Peninsula we usually take the wheat off in July; in August we take the oats off; we usually get the corn off before the latter part of October—

Mr. Ruston: You haven't done much farming; I can tell that.

Mr. Samis: His heart's in the right place.

Mr. Chairman: Order.

Mr. Ruston: You want to go back to school.

Mr. Swart: I would suggest to the member for Essex North that he really is not terribly knowledgeable about farming when he makes those kinds of comments.

Mr. Nixon: Now you are asking for it.

Mr. Swart: It is past. The proposed date for the election is in fact past the busiest time for farmers in almost all, and perhaps all, parts of this province.

Mr. Ruston: Absolutely wrong.

Mr. Swart: I do resent, too, his comments about the asphalt farmers down in the Niagara Peninsula.

Mr. Ruston: The NDP.

Mr. Swart: I am not sure why he wants to insult the farmers in that area. He should know that in my riding alone we had two great kings over the last 20 years: we've had the winner of the Herd Improvement Association, the winner of the Crop Improvement Association—

Mr. Ruston: We've got Miss Canada.

Mr. Samis: What's that got to do with farming?

Mr. Chairman: Order.

Mr. Ashe: Mr. Chairman, this isn't a farm improvement bill.

Mr. Swart: In that regard I would just say finally that I think the regional council of Niagara represents the farmers there better than does the member for Essex North when it asks for the municipal elections to be in the middle of October.

Mr. Nixon: We were thinking of supporting you, but—

Mr. Ruston: I thought you had a good argument, but you spoiled it.

Mr. Swart: The arguments that have been put up against the October election day, and I'm sure the member for Durham West will agree, have not been primarily because it's not a good time of the year or because Thursday isn't a good day, but rather they say it can't be done procedurally; you just can't shorten a period down to 45 days.

I could quote the statement by Mr. Meen back in 1972, when they were debating the Municipal Elections Act, that it couldn't be moved up any further than the first Monday in December. I won't take time to quote that, but I will quote the Treasurer when he tabled Bill 49 on July 7. Talking about municipal elections and the day, he said: "This, in combination with the variety of other complex, time-consuming election procedures, has proved the third Monday in November to be the most feasible date."

In his statement relative to the first reading of Bill 98, he made the following comment: "We have been able to adapt the election process to the earlier date without any deleterious effect on essential procedures. At this time we believe this change is the earliest possible within the constraints posed by these procedures."

Then just last Friday, in speaking to the PMLC, he made these comments: "There are amendments before the House which will shorten the election, move the date once again from the now second Monday in November to October and shorten the whole process to 45 days. We've gone over the whole thing again with Revenue. We feel that it is not possible or it is only possible if the municipalities wish to assume the enumeration function. They might, I suppose, if we were going to pay for it. Regardless of who pays for it, it would represent a duplication of effort and additional costs, so far as we can figure out, of about \$4 million. I am not prepared to pay the \$4 million. I don't know whether you are or not. I doubt it.

"I doubt that it could be organized for less than a year from now. I would simply have to tell you—and George will say this on second reading—that we believe the amendments which have been put forward are unworkable and impractical. If perchance at committee they should carry the House, the bill will simply have to be withdrawn, because it is as simple as that."

Let me say as clearly and assuredly as anyone can that it is procedurally possible and practical to start enumeration the day after Labour Day and hold the election 45 days thereafter. In fact, the time frames of the proposals we make, which are incorporated in some twoscore amendments, are superior to those in Bill 98. It is done through a judicial mixing of municipal and provincial election procedures. It is done by getting away from the step-by-step, sequential procedure described by Mike Smithers in the September 1976 issue of Municipal

World; and it might be wise to read that again:

"To understand the delay in reaching a solution to the procedural problems of a date change, it is necessary first to recognize the existence of an historical philosophy developed in the earliest election procedures in this province and continued in the latest statute enacted in 1972. Simply stated, it is a projection of the orderly manner of conducting life in an agrarian society with its sow-grow-reap methodology which requires each step in a procedure to be fully completed before commencing with the next step."

I just say to you provincial elections can be conducted in 37 days. There are now only two differences in the electoral qualifications. One is the non-resident voters and the other is the separate or the non-Catholic school supporters. These are the only two differences between the lists that are used for municipal elections and the ones that are used for provincial elections.

I say it can be done and it can be done reasonably. To prove that it can be done, I want to deal with the two alternative procedures, our proposals and Bill 98 in some detail. I want to do that with some hope that the party on the right, if it can be shown that it can be done, might be willing to consider supporting our amendment.

I am conscious of the fact that the member for Waterloo North stated on second reading: "Unfortunately, the technical aspects of preparing for the election day are such they can't move further ahead at this time. However, we welcome a change in election dates to an earlier date, if this can be proved workable." I think that it can be proved workable and I would like very much now to try to prove that it can work.

Under our amendment enumeration would start on the day after Labour Day and continue until Friday of the following week, which would be on September 15, if I could use the year 1978 as an example. The proposed legislation says that enumeration starts on September 5 and carries on for a period of approximately four weeks. Under the present Act it is September 30.

I trust that the parliamentary assistant will know that at the present time enumeration is done within the two weeks. For the assessment commissioners to get it all through the computer, they now have to have enumeration within two weeks. This does not really speed up the enumeration process per se. It may change the Act but it is all done now within the first two weeks. In fact, they tell me—and I have had extensive consultation

both with the assessment commissioners and with various clerks over this matter—that they start feeding that computer usually within two or three days after Labour Day because there are those who concentrate on getting the enumeration done and having it back to them within that period of time.

Where we really make the change and do two things in parallel to make the procedures practical is that enumeration, plus the non-resident voters' list which is currently always on hand with the assessment commissioner, are combined and posted as the preliminary voters' list on September 15. I should explain that in a little more detail.

At the present time, the assessment commissioner has the record from year to year of the residents in a municipality, plus the non-resident voters, the owners and those who operate a business there. Four or five days prior to the start of the enumeration he sends a form out to each of the non-resident voters asking them if the information he has on file is correct. If it is correct they keep the form. If it is not correct they send it back or somebody else sends it back and they correct it. That, then, is fed again into the computer. The enumerators start their enumeration; as soon as they start bringing in their returns they are also fed into the computer.

[5:00]

There would be no difficulty, whatsoever, they assure me to send out the notices to the non-resident voters one, two, or three weeks sooner; have those returned, and turned over to the enumerators, who could add those to the enumeration they do; compile that list and post it up on a pole or some other place within the polling subdivision, exactly as they do now in a provincial election. That would be the preliminary voters' list, which would be on the pole for everyone to see on the 15th. This would also go to the clerk of the municipality, and would be his preliminary voters' list, which he would then check over, as he does now, and then send it to the voters.

The present procedure is that the enumerator must turn all of the information back in to the assessment commissioner, which of course they would still do under the present procedure, except that they would tick off the names and compile the voters' list. They must turn it back in. It takes approximately three weeks to punch this all into the computer and get the lists back out. Then that list must be turned over to the clerk by October 6. That is then the preliminary voters' list of the clerk.

What we are talking about here is a saving of three weeks. Under the procedures which

our party proposes, you can have the preliminary voters' list on September 15; under your legislation, Bill 98, you can't have that preliminary voters' list until October 6, that is three weeks later. This is where the real saving in time can take place.

I would point out that there would be practically no additional costs in this procedure. You might have to pay the enumerator a little more, if they have to compile the list, but they have to do this also for provincial elections. By this process we would be able to get the lists prepared three weeks earlier.

In the meantime, the assessment commissioner can still be feeding the computer, find any duplications and inform the clerk, prior to the court of revision, so he can make any changes required.

We also propose that there be special enumeration, as there is in the provincial election. This special enumeration should start on September 18, if I am using a 1978 example. The voters' lists are put up on the 15th, turned in to the clerk on the 15th; the special enumerators are then appointed. Where any notification is given that somebody has been left off the list, they will go out and pick up these names in exactly the same way they do now in a provincial election.

That would carry on until October 3, which would be two weeks. The court of revision would be held from October 4 to October 6, three days, and that court of revision would finish 13 days before election day.

Under the present procedures—and this is pretty significant—the lists would have to be posted by October 21, 22 days before election day. The court of revision ends October 27, 17 days before election day. That would mean persons would have only one week in which to check whether their names are on the voters' list and to get their names put on the list, if not. Under the procedure which our party proposes they would have three weeks. They would have two weeks and two days of special enumeration and then another three days of the court of revision. I think it becomes perfectly obvious that it's much easier then to get one's name on the voters' list than it would be under the procedures which we have in Bill 98.

The clerk makes the changes in both cases as a result of the revision and, in the case of our amendment, as a result of the special enumeration. That is done 13 days before election day in our case and 17 days before election day in the case of the bill we have before us.

Under our proposals election day in 1978 would be October 19. Under the proposals of

Bill 98 it would be November 13. Nomination day in both cases would be three weeks prior to election day—September 28 in the case of our amendment and October 23 in the case of the bill which we have before us.

That is a brief explanation—perhaps not so brief—of the procedures which could be put in place, practically and feasibly, if we were to establish the election day as the 45th day after Labour Day. Let me point out some of the advantages of our proposals. Because preliminary lists are posted in the polling subdivision where a person lives and are there for 21 days before the end of the revision, compared to a maximum of five with no local posting under Bill 98, electors are much more apt to know if they're on the list. I think that's a factual statement. There is no question about it.

If they have only five days to find out if they are on the voters' list and if there's nothing posted up on local poles in a local subdivision, I suggest to you most of those who are left off are never going to get on the voters' list. If you have the preliminary list up on a pole in the subdivision and have special enumerators so you only have to send out a special enumerator, then they will get their names on the voters' list. It is much easier to get on the list under our procedures than it is under the procedures in Bill 98.

Again, in the proposals which we make the preliminary list of electors would be posted 13 days prior to the final nomination day, compared to two days under Bill 98 which is before us. The latest day for posting of the preliminary list of electors under Bill 98 is two days before the nomination day. That can make it rather difficult for a candidate who wants to check the voters' list to see if his nominators are on the voters' list and wants to deposit that list two or three days before the last day for nomination. It makes it extremely difficult. Our proposals give 13 days from the time of the preliminary list is up until nomination day. I say that's a big plus.

I want to say also that formerly, and under Bill 98, the clerk could spend many days, and often did, being available to revise lists as electors would come in to him. He has certain time limitations when he has to have the final court of revision and the first court of revision, but he can carry on ahead of that time and most clerks did spend a lot of time at it.

Under this proposal, the special enumerators would pick up the names which are left off the voters' list, up until the three days of the court of revision. He would only have

to be there for three days at a court of revision, which certainly takes some of the load off the clerk. Again, I should point out these proposals are based to a very large extent, not on some abstract theory but on the practices followed in provincial elections at the present time.

Another big advantage, I suggest, is that under our procedure there would be uniformity of procedures. Every election year there would be a regular 45 days between the start of enumeration and election day. Under the proposals in Bill 98, you'd have one year with 62 days and the next year with 69 days. It's very difficult for a clerk, a returning officer, to set up uniform procedures when you have a variation in the number of days and when many of the provisions of the Act are related to the start of enumeration; many other provisions are related to election day in time. Because of that, there is a great confusion in the procedures. I'm now going to hope that the member for Durham West will comment on this. Do you know under Bill 98 before us, the periods for the court of revision will vary from one day to seven? If you take a calendar and look at it for the years ahead, the final day for the court of revision in some years will fall on the first compulsory day for the court of revision. One day on which the court of revision must be held.

I may be wrong, but I suggest to the member for Durham West that was not fully explored in this bill. In fact, I talked to a prominent member of the committee and he said, "No, we didn't realize that in the bill in some instances there would only be one day provided for the court of revision."

I'll tell the member for Durham West the exact dates, if I may. If Labour Day falls on Monday, September 6, according to Bill 98 election day will be Monday, November 8. The only day that a court of revision will have to be held is Friday, October 22—one day. I can read you the sections of the Act. Let me give them to you. Read section 24 (b) and section 25 (3) of the Act and you will find that my allegation is correct. The last day and the first day for the court of revision are the same days.

Under our proposals, the election date can't fall on a holiday, but of course it can under Bill 98.

A procedural advantage of our proposal is that the clerk would also have two weeks to print the voters' lists. Under your proposal you have as little as eight days to meet the compulsory time—as little as eight days to have the voters' list printed. Even then, they

will only be posted in his office and the other two prominent places five days before the final day of the court of revision.

[5:15]

Under our proposals or Bill 98, and they are the same in this respect, nominations will be held prior to the final court of revision.

Arguments were put forward by the minister previously that we must finish the court of revision so we know the voters' list is accurate before nomination day. Of course, that has been the practice up to now. But Bill 98 steps over that boundary line and so that is no different to the proposal which we are putting forward.

Through both our proposals and Bill 98 there can be inadequate time to go through notification procedures to take someone off the voters' list, if you read section 28(2). We propose, in our amendment of the bill, that a person would be notified by the clerk by registered mail if he is taken off, for instance, on the second last day of the court of revision, and the reasons. If his name was incorrectly removed he could avail himself of section 33, which is the clerk's certificate to allow him to vote, or under section 56, which permits him to vote on election day by taking an oath.

We feel that these proposals are exceedingly practical. The real change in them is in the matter of the preliminary lists, whereby under our proposals they would be a combination of the enumerators' list that you pick up on enumeration and the non-resident list as provided by the assessment commissioner. The assessment commissioner would still have the time and the opportunity to cross-check all of these—the same amount of time as he has now—to get them into the court of revision for any changes. They tell me the changes are normally not great in the non-resident list, not anything as great as they are in the other lists. In normal instances there are not more than five changes in a thousand in the list.

In every way, we suggest that our proposals are as feasible as, or more, so than, those we have before us in Bill 98.

I say to the member that if you assess these proposals objectively you'll find they are workable. There is no extra cost. I don't know where the \$4 million comes from. I presume that that is a second enumeration that is proposed. Am I correct in assuming that?

There are no extra costs. We just do the enumeration the same way that it is done now and it would provide an efficient framework for the conduct of the election. I

suggest that it will provide for more involvement in the elections and, perhaps, enhance turnout.

I hope that I have persuaded my colleagues on my right that it is a practical plan and that they will vote for our amendment to this section. Whether they do or not, all they will succeed in doing is delay it; it's going to come. Elections are going to be held in the middle of October, because it makes sense. Like most other progressive measures, whether it's health, insurance, rent review or whatever, the NDP has promoted and popularized it, then the government finally backs down and accepts it.

I suggest this proposal we have for the election date in October be considered and I hope the parliamentary assistant will deal in detail with my proposals. If he can point out flaws in them I would be glad to have them. If he can't I hope he will admit they are practical. I suggest that it will come in this province.

Mr. Epp: In speaking to Bill 98 and in particular to the amendments that the member for Welland-Thorold has introduced, I want to say that we wanted to give him the opportunity to introduce these so we could dispense with them in one way or another and get on to some of the other amendments, some of which we have proposed and which we hope will find favour on both sides of the House.

The election date that has been incorporated in the bill is the one that will get the support of this party, Mr. Chairman. We feel the amendments proposed are not going to give sufficient time for the preparation of the municipal election.

A matter of which all members of this House should be cognizant is the preparation for a municipal election is much more cumbersome than for a provincial or federal election. There are many more questions being asked at the municipal level and therefore it's important that accurate answers be obtained and recorded.

Another aspect is the member for Welland-Thorold mentioned by having the enumeration and everything crowded into a shorter period—and I understand I have the attention of the members for London Centre (Mr. Peterson) and Kitchener (Mr. Breithaupt) on this—you are going to have more interest. I submit the interest is not reflected by the turnout in having a short election period but in having presentable candidates and very interesting issues—something in which the people are interested and to which they relate easily.

For instance, if we were to follow that suggestion, you should have a higher turnout for provincial elections as opposed to federal elections, because some provincial elections are run over 37 days. If you go through all the elections in the last number of years, you will find there's a bigger turnout for federal elections which are usually over a span of 58 days as opposed to about 37 to 40 days for provincial elections. Therefore I submit just to crowd something in over 45 days does not necessarily guarantee and really isn't a factor in bringing out more people on election day. The reason people don't come out for municipal elections in great numbers is because they are not as interested in the candidates or the issues as they might be.

In trying to keep this debate short as I realize there are a lot of other amendments to which we want to talk, I will conclude my remarks by saying we will support the government on having the election date on the second Monday in November.

Mr. Ruston: The member for Welland-Thorold made remarks about the agricultural industry in western Ontario. I would think if the former president of the Canadian Federation of Agriculture had won his seat in Middlesex for that party, he would have brought to the attention of the House the problems there could be if this voting day is held in October. Since he wasn't able to win, there isn't anyone to bring the member up to date on what's going on. Just to advise the member, all the soya bean and corn crops were taken off in Essex and Kent counties this year after October 10. Maybe you should be aware of what goes on. I can think of at least 57 or 58 farm people in my own county who are elected to council who would have been prevented from running for office if it was this early. I want the House to know and the member to realize that situation.

Mr. Ashe: If I may go backwards, in reverse order to the speakers, I would just like to acknowledge and show appreciation for the remarks by the member for Essex North in support of the early November date and to recognize the points he made on behalf of the agricultural community, which we are all striving to help in every way possible.

The member for Waterloo North obviously recognizes that we can't simply talk about some time frames and relate them specifically in terms of so many days to do this and so many days to do that. I think everybody recognizes that we can do anything we want, practically speaking, in any time frame; but what we are concerned about is the results

that come out at the other end. There is not sufficient time in what is being proposed by the New Democratic Party.

The member made two particular points, one of them to the effect that interest is not generated in elections because of the time frame being too long. That is a fallacy, of course, and I think the very valid example made by the hon. member vis-à-vis a federal election versus a provincial election backs that up.

In practical terms we can talk about days and dates all we want, because we are in the process—and many of us have been for many years, whether it be on the provincial scene or formerly on the municipal scene. But in the minds of the public—let's not kid ourselves—in practical terms, and particularly so in a municipal election, the election process starts at nomination day. Very little is highlighted before that time as far as the public is concerned. I think that in itself makes it significantly different from relating to the date when an election writ is issued that calls either a provincial election or a federal election. So I don't think the argument about cutting down the time frame to generate more interest is a valid one at all.

The most important point made by the hon. member for Waterloo North is really the crux of the problem as it relates to the proposal of the hon. member for Welland-Thorold. I refer to the direct, distinct and significant differences between the kind of election data gathering that takes place during a municipal election versus the kind that takes place during a provincial election process.

During a provincial election, in practical terms, other than the citizenship and age qualifications, you are literally gathering names. A body means a name means a vote. It's not quite that simplistic; I appreciate that. But for all practical purposes, that's really it.

When we are talking about a municipal election, we are talking about a much longer process. We are talking about resident electors. We are talking about non-resident electors. We are talking about verification of ownership. We are talking about discussing school support and verification of school support.

All of these things take a great deal more time, not least in terms of the physical accumulation and verification of these names, both by mail in the case of non-resident persons who are being enumerated, but even in person for those who are being enumerated locally.

The most significant point being forgotten in the procedures suggested by the New Democratic Party is that we want to come out at the end with a reasonably accurate and complete list.

The hon. member for Welland-Thorold on many occasions said, "They tell me." "They tell me," I assume, is probably one person—

Mr. Foulds: No.

Mr. Ashe: —who, hopefully, has an assessor function. I don't belittle that fact; I assume that's the case. But the "They tell me" I'm putting forward for the consideration of this House is the people who have to administer it, not only in one particular jurisdiction, and probably a relatively small one, but right across the province. And they tell me—that is to say, the numbers of people involved in the process—it is virtually impossible without the almost complete duplication by the municipality of what the province is doing now. I say duplication, because the province would have to do it anyway.

[5:30]

The hon. member for Welland-Thorold said the joint committee did not make any recommendation regarding the election date. That's true; they did not. They did not make a recommendation versus our date in any way, nor did they comment or make any recommendation to do with the one that's proposed by the hon. member for Welland-Thorold. So although he leaves the suggestion that the one suggested by the government is an arbitrary one, I suggest that the one being proposed by the hon. member is, in terms of the process that we went through, equally as arbitrary.

As for the election day being on a Thursday or Monday, I'm told that the joint committee did not consider this in any way—that is the reason they did not comment on it. We've had discussions as recently as last week with the chairman of the joint committee, Ellen Kerr from Sudbury. She saw no problem with Monday elections. The point that some hon. member brought out last week about access to the clerk over the weekend in her mind was not a valid one.

Mr. Foulds: That was one clerk in one place.

Mr. Ashe: Granted, one clerk, one place. But she was the chairman of the committee we were involved with on a consultative basis for an extended period of time. So, hopefully, she was speaking, at least in some degree, on behalf of more than just herself.

The other situation, of course—and I think I alluded to it earlier is that it's acknowl-

edged that virtually anything can be done in a given time frame, as long as you're willing to pay the price. But it is our suggestion that the time frame as proposed by the New Democratic Party, is impracticable, considering the fact that as the lists come together—and I don't dispute the fact that the computers start running sooner, probably virtually two or three days after Labour Day—early returns by the enumerators are being fed into the computer. That just further, in my opinion, proves the time element that is required, because even that extra time is required because of all the processing involved.

It takes approximately 1,200 hours of computer time, much of that with duplicate and triplicate runs, to take out from the lists the duplications of the feed-in—duplications of non-residents who own more than one piece of property in a municipality other than the one in which they reside—so they will only have one vote, which is all they are entitled to. There is going through the duplications of property owners who, inadvertently or in some cases possibly consciously, have indicated school support to more than one school system, which is illegal. So again, the computer has to run through all of the lists to do this.

Although it's suggested that a lot of this might be done manually, we suggest that in fact to do it manually to come up with any kind of accurate lists would not save time at all. It would probably, in fact, be more time-consuming than the computer, which now takes several weeks to confirm.

There are other reasons why the lists must be relatively accurate and, of course, they are not recognized in any way during the provincial election process, because they are not needed. The actual school board support lists come out of this process. The juror lists also come out of this process. So cutting down the time frame, of course, again only causes more probabilities for error. In the opinion of the people who have to do the job the only way it could be done was if the municipalities would like to take over the enumeration process per se and, in effect, duplicate the work that would be done by the assessment department.

We once again went back to consult with the joint committee. We heard a resounding response through them and I think we've heard it, as have all members: The municipalities said they do not wish to in any way take back any part of, let alone all of, the enumeration process and the associated expense that goes along with it.

(The process at the moment operated by the province costs something like \$4.5 million. It is estimated that even if they were able to take that over completely—and not even talking about duplication, because of the extra costs involved such as additional staff within the municipalities, higher costs of computer time, higher costs for the other goods that have to be bought, various paper that can't be bought in the same quantities—that there would be anywhere from 30 to 50 per cent added on to those basic costs at an absolute minimum. If the whole procedure had to be duplicated, you're talking about upwards of \$6 million in additional costs, which I am quite convinced the municipalities do not wish to take on at all.

There was a reference by the hon. member for Welland-Thorold to one of the advantages related to taking office on November 1. Again, I don't see that as any great advantage or disadvantage, as a matter of fact. I think it is just a matter of practicality. You take office, as proposed of course in Bill 98, at the first of the month following the date of election. I don't see any great advantage for taking office sooner. As a matter of fact, we have had some feedback on the basis that this would actually be something negative. There has been some concern expressed by the odd municipality, directly and indirectly, that you have a council taking office in a previous council's fiscal year. They are concerned about the one month proposed.

Under the proposal by the hon. member for Welland-Thorold, in fact, this would make it two months. In the minds of those people there were concerns about the balance of the fiscal year and under this proposal it is doubled from one month to two.

There was a reference made to the former minister, the Hon. Mr. Meen, who was minister in 1972. I might just point out to the hon. member this government does recognize times and systems do change. When they do change, we acknowledge those changes and update them.

It is quite conceivable the same things will happen in the future. I don't deny that; that is quite possible and quite probable. But we don't like to go from the frying pan into the fire, which is really what the hon. member is suggesting.

As for the actual posting of lists and the extra time being suggested that lists could be posted, how long do the lists stay on the posts? Our proposal is based on feedback from municipalities and the consultative process with the joint committee. It, in fact removes and reduces the obligation for that kind of posting. Everybody recognizes first

of all, how long do the lists stay on the posts? Regardless of whether they are intended to be there five days, 10 days or 20 days, for all practical purposes they are lucky if they survive one day. As a matter of fact, who looks anyway? I think it is just a lot of hog-wash to suggest this is a big plus.

Really the icing on the cake was the suggestion the candidate must know who is on the list so when he goes around and very meticulously gets his 10 names he has to go and check to make sure they are on the list. And again, for those who have been in municipal politics—or even, I suppose, provincial politics where you are looking for 100 names—in recent history anybody who leaves it to getting exactly 10 names or exactly 100 names is a little bit short somewhere anyway. I don't think that is a very valid situation. We all know within Bill 98, once the clerk has certified the list of eligible nominators they will not be invalidated by any further changes to the eligible electors.

The hon. member talked about the court of revision period—that there could be as little as one day up to seven days. I would refer him to section 25(2) which guarantees a minimum period of five days. So, although in theory, on the calendar, what he suggests could happen there is a guarantee of a minimum period of five days.

I think, Mr. Chairman, we have covered most of the points that were covered. The big items, of course, in more specific terms are the impracticability of coming up in the time suggested with any reasonable lists. We should recognize the multi-purpose use of the various lists. They are not just eligible voters' lists. They carry much more to them. The process of making sure they are reasonably correct takes a longer time frame than is suggested.

I will acknowledge at this time it is possible that at some future point in time, maybe even three years from now, possibly one more week will be found and elections could move up to the first week of November. We will be looking at that. We would much rather propose to this House the elections next year be a little more conservative.

Mr. Breithaupt: Careful now, careful.

Mr. B. Newman: You just spoiled it.

Mr. Ashe: Small "c". We would propose that the operation be handled a little more conservatively, if that's better, to see if there are bugs that weren't anticipated. It's often fine to look at something on a piece of paper but I think everybody would acknowledge that you learn by going through a process.

Mr. Breithaupt: You are more likely to look for bugs than we are.

Mr. Ashe: If there are no great problems next year in cutting it back to the second week of November, I am quite sure we will be examining the possibility of moving it back one further week. I must say there is no possibility at all at this time, with current computer and mails—with the knowledge from the computer, with the way the mails work and what have you—of cutting down any time from the verification process. If—and I say if—we are able to find another week in the future, it would be to cut down the enumeration period to a one-week period.

Mr. Swart: There are a few comments I would like to make. I regret the parliamentary assistant, the hon. member for Durham West, dealt in generalities unfortunately, and did not deal with the specific issue which I had raised. He is absolutely wrong in stating—and I would like him to comment further on this and read the section of the bill—that it provides for a five-day minimum court of revision. On page 11, section 24(b), it says: "The clerk shall fix the places at which and the times when revision of the list will be undertaken, and such revision shall commence no later than 14 days after delivery of the list to the clerk under section 22."

Then under section 25 (3) it says: "The last day for the filing of applications for revision of the preliminary list shall be the 17th day immediately preceding polling day and such applications may be filed with the clerk during his normal office hours." The only reference made to a five-day period is in section 25 (2) which says: "The day of posting copies of the preliminary lists and of publishing the notice under subsection 1 shall be at least five days before the last day for filing applications for revision."

I suggest that if my concerns were great before they are much greater now, if the parliamentary assistant doesn't know the difference between the posting of the lists and the court of revision. I also want to say he didn't mention the very short period which exists under this Act now, only five days from the time of the posting of the lists until the final day of the court of revision. I would like to hear him comment, if he would, as to whether he thinks that is adequate. When the only notices will be the posting of the list up in the clerk's office and two other places in the municipality, how are people going to know if they are off the voters' list? The provision where you send out notice where people vote may remind them of the election

day, but it certainly doesn't have anything to do with putting people on the voters' list.

When I say that people in the field have given me their comments with regard to the feasibility of our proposals, I am talking about people who are actually working as returning officers, as clerks in municipalities and as assessment commissioners. They are not people who are sitting at Queen's Park. They are people who year by year are actually working in the field. They tell me our proposals are practical.

I regret you've thrown in red herrings or straw men or whatever you want to call them by saying that this would mean putting back to the municipality the cost of enumeration, which would be up to \$6 million. The hon. member for Durham West knows very well I made no such suggestion whatsoever. We would carry through with the enumeration process, the whole process, exactly in the time frame in which it is done now, except the enumerators would compile the lists at the end of their enumeration and put them on the pole. There would not be one day taken away from the assessment commissioner to check if there was any overlapping of names, any non-residents who now should be taken off. The time frame would be identical except the enumerators would take responsibility for taking off the lists.

[5:45]

One other comment I want to make in this regard deals with the enumeration. I've been told by people in the field there is no difficulty within this time frame. It's twice the length of time the provincial enumerators have. In addition to the date being known ahead of time so they can get the enumerators and instruct them ahead of time, the enumerators in the municipal elections are provided with a sheet for each home—and I have copies here—which lists the names of the people from the last enumeration and all the nine things which they have to fill in. The length of time taken to do that type of enumeration is little if any greater than it

is for a provincial enumeration and yet they have twice the length of time in which to do it.

I suggest it is practical and I'd like to have had, and perhaps still will have, a little more detail with regard to the item, particularly with regard to the five days minimum for the court of revision.

Mr. Ashe: Mr. Chairman, to attempt to get a vote taken on this I don't wish to comment further. As far as the hon. member's references to section 24 and 25 related to the revision and period and so on are concerned, we'll look at that again and report back to the committee. I don't think it's really too relevant to the vote we're attempting to get made.

The committee divided on Mr. Swart's amendment to section 11, which was negatived on the following vote:

Ayes 21; nays 68.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendment.

THIRD READING

The following bill was given third reading on motion:

Bill 99, An Act to regulate the Discounting of Income Tax Refunds.

BUSINESS OF THE HOUSE

Hon. Mr. Welch: Mr. Speaker, just before we break for dinner, may I explain to the House there was some misunderstanding in connection with a meeting tonight of the standing statutory instruments committee. Therefore that committee will in fact not be meeting tonight at 9 o'clock as published in the church bulletin so would you amend the notice paper accordingly. Perhaps we might call for the first private member's bill now and then we will be back here at 8 o'clock to have a little discussion about it.

The House recessed at 6 p.m.

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 Bounsall, E. J. (Windsor-Sandwich NDP)
 Breithaupt, J. R. (Kitchener L)
 Campbell, M. (St. George L)
 Conway, S. (Renfrew North L)
 Cureatz, S. (Durham East PC)
 Davidson, M. (Cambridge NDP)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Davison, M. (Hamilton Centre NDP)
 Deans, I. (Wentworth NDP)
 di Santo, O. (Downsview NDP)
 Edighoffer, H.; Deputy Speaker and Chairman (Perth L)
 Epp, H. (Waterloo North L)
 Foulds, J. F. (Port Arthur NDP)
 Gigantes, E. (Carleton East NDP)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
 Haggerty, R. (Erie L)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 MacDonald, D. C. (York South NDP)
 Makarchuk, M. (Brantford NDP)
 McClellan, R. (Bellwoods NDP)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Newman, B. (Windsor-Walkerville L)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Sweeney, J. (Kitchener-Wilmot L)
 Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
 Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
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 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
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 Yakabuski, P. J. (Renfrew South PC)



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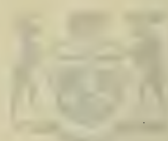
First Session, 31st Parliament

Tuesday, November 22, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 22, 1977

The House resumed at 8 p.m.

PRIVATE MEMBERS' BUSINESS

ENVIRONMENTAL ASSESSMENT AMENDMENT ACT

Mr. McGuigan moved second reading of Bill 100, An Act to amend the Environmental Assessment Act, 1975.

Mr. McGuigan: I rise to propose that this House adopt the provisions of Bill 100, An Act to amend the Environmental Assessment Act, 1975.

The central item of the bill proposes that where citizens of an unincorporated community are about to be affected by an undertaking that the Minister of the Environment shall appoint one or more persons from his ministry staff to counsel the affected group, so they might have the benefit of the ministry personnel's experience and advice as to how they might prepare the defence of their position at any hearing or appeal conducted under the Environmental Assessment Act.

The undertaking could take many forms. However, the need for this type of assistance was brought to my attention by a group of residents of the village of Fletcher in the township of Tilbury East in the riding of Kent-Elgin. The final report of the county of Kent, city of Chatham, area waste management study by M. M. Dillon Limited, consulting engineers and planners, recommends that a single major landfill site be developed in the vicinity of Fletcher. The report is looking to the next 20 years and they projected 150 acres of land will be required for this period.

The landfill site is not mentioned in the bill, but I am referring to this example to illustrate the need for the legislation in Bill 100. The city of Chatham has conditionally purchased 175 acres adjacent to the village of Fletcher. The capital cost of developing the site is estimated to be \$399,000, but the real cost to the 90 residents within one kilometre of the site would be difficult to estimate. The point is that the real cost will be borne by the residents in terms of reduced property values and a reduced quality of their lives.

The report also recommends that under the

provincial resource recovery program in 10 years a resource recovery plant be built in Chatham at an estimated cost of \$4,255,000. Does it not seem the height of total disregard for village residents to recommend approximately \$400,000 capital costs to ruin their environment, and approximately \$4.25 million to save Chatham's environment? If the report were to recommend that the city-county purchase approximately 1,000 acres of land, so that the landfill would be in the centre of a large city-county buffer zone about a kilometre of buffer land in all directions from the landfill, that the city-county would bear the cost of owning the buffer zone including the cost of tree planting and landscaping, then one would have little to complain about.

I know, of course, that no community will welcome a landfill site. A larger site would not encroach on agricultural land, as the unused portion could be rented back to farmers. A thousand acres would likely cost \$2 million in Kent county, and the 950 acres for rent would likely cost the owner a difference of \$100 per acre between the interest costs and the rental returns. Over the years, capital appreciation would likely wipe out the loss when the property was disposed of when the municipalities moved from landfilling to resource recovery.

The annual loss in the ownership of the land would add about \$1.30 a ton to the cost for a total cost of \$7.44 per ton, versus an estimated cost, based on 1977 costs, of \$6.70 per ton for a recovery system. The members can see from the illustration that if the offending municipalities were to bear the true costs of their undertakings they might be persuaded to look to other alternatives.

I've used the case of the proposed Fletcher landfill site to illustrate the feeling that people have about the Environmental Assessment Act, that it is an instrument of the strong against the weak. Small groups cannot begin to raise the money necessary to secure the services of lawyers and engineers, so that their case would be properly put before the Environmental Assessment Board when hearings on the matter are called.

As a private member I cannot put forth a proposal to provide money for citizens' groups. I have taken the only alternative and

that is to propose that the Minister of the Environment shall provide one or more people from his ministry to give counsel to people who wish to protect their interests. I personally have not too much fault to find with this approach.

I believe that if local people have a strong case they will raise some money themselves and that they will use local volunteers to do local research. I know that the people of Fletcher are putting forth a good effort. I also know that they could be more effective and that they would feel less tired upon if they had the counsel of one or more qualified people to simply give them some guidance and direction.

I'm not one of those environmentalists who believes in flights of fancy back to the so-called natural environment. I believe we must have industrial development and full use of our natural resources. But we cannot run roughshod over our people to these ends.

I believe there are many examples in the long tradition of our province to support my proposal. I have had personal experience with the Workmen's Compensation Board, whereby the board provided free counsel for an appeal I made against a proposed assessment. It is my understanding it also advises employees who are presenting their case to the board.

We are not asking for money in this bill, but I would point out that under the royal commission on the northern environment, otherwise the Hartt inquiry, money is being provided for funding assistance to groups and individuals who speak for various interests. Funds are going for a wide variety of needs; legal counsel, travel, meetings, research and others. The amount allocated for this purpose is \$362,000 up to March 1978.

The royal commission on electric power planning, the Porter commission, provides funds for groups and individual participation in the commission. Money has gone for research, transportation, legal advice and other purposes. Approximately \$270,000 has been allocated by the commission for that purpose from November, 1975 to March, 1977. There is an open-door policy at the commission headquarters in Toronto, including an unofficial library lending policy of all documents, opening of all files to concerned public and lending expertise to aid researchers and the interested public. This is achieved through correspondence, meetings and other means.

Once again, we are not asking for funds, although we would not oppose such a move by the government. But we are trying in the

best way we know how to answer a crying need in our province, that is, for some help for local groups trying to defend themselves. Let me say we do have faith in the objectivity of the civil servants; we believe that they are professional and that they are very capable of rendering assistance. While the bill would require the minister to render such assistance the time spent would still be in his hands, as it properly should be.

In summary, we believe this is a worthwhile piece of legislation that would not be a cure-all but would at least indicate to the people of Ontario that the government does care about the individual and that it is prepared to act. I would reserve whatever is left for rebuttal.

Mr. Speaker: Would the clerk at the table indicate to the hon. member the amount of time he has left?

Ms. Bryden: We support the principle of ensuring that all parties making submissions to the minister regarding environmental assessment or participating in Environmental Assessment Board hearings should be on an equal footing. We do not want a David and Goliath situation, but that is what we get in most cases. We get a small group of citizens against the forces of private developers and private waste disposal firms with banks of lawyers at their command and banks of technical experts and who can charge up to their income tax expenses the costs of their submissions to the Environmental Assessment Board and to the minister.

We are definitely in favour of methods which will equalize the position of people appearing before the board or making submissions to the minister. In order to do that, we need several things. We need the hearings to be at accessible times and places for people, including evening hearings. We need the hearings to be informal and not too technical so laymen can participate. We need funding for people appearing before the board, particularly non-profit organizations, individual citizens and groups. They need funding for technical assistance for hiring consultants, for hiring legal counsel, for publication of briefs. We need the opportunity to present class actions so the interests of a great number of citizens can be brought to bear on a question of environmental assessment. It does not just affect the people in the area where a given development is located.

[8:15]

Looking at the present Environmental Assessment Act, we find that it does not fulfil most of these requirements for putting applicants and interested parties on an equal

footing. It is true the Environmental Assessment Board does attempt to have its hearings somewhat informal; it does have some evening sittings but there are still not nearly enough and also there is a great deal of technical evidence which requires legal cross-examination.

The third and fourth points that I mentioned—that is public funding and the opportunity for class actions—are lacking altogether in our legislation. We have a precedent for public funding, in the Porter commission and in the Hartt commission, and the Berger commission in the federal field, but we do not have anything in our Environmental Assessment Act to provide public funding for groups on a regular basis. We would welcome legislation which would provide that. We do not have any legislation providing for class actions, and that is an essential part of equalizing the positions.

The member for Lakeshore (Mr. Lawlor) introduced a bill in July authorizing class actions but this has not yet been debated. A year ago the Minister of the Environment, in writing to my predecessor in the Environment critic's position, Dr. Charles Godfrey, said in October, 1976 that he was considering legislation to bring in class actions. He said: "I am recommending the amendment of our environmental legislation to provide wider scope for citizen prosecution and class actions, as I have stated recently in public."

A week ago I asked the minister in the House when we were going to see this legislation. He told us that it took things a long time to get through cabinet committees and other committees, but that we might see something next session. We are still waiting, but not with bated breath. The minister has had over a year to get it through various committees and we still haven't seen it.

Looking at this particular bill I question whether it fulfils the criteria I have set forth, which we need to make environmental assessment available on an equal basis. The bill says nothing about class actions. It says nothing about public funding for non-profit groups to hire their own lawyers, researchers, or technical people. It covers only the provision of free legal and technical resources from the ministry for certain groups.

It seems to me that since the ministry is able to appear before Environmental Assessment Board hearings there could be a conflict of interest if the staff of the ministry were expected to help other groups prepare their presentations and also prepare the government's presentation.

There is also the problem of how many

staff you are going to make available to groups and how many groups are going to ask for it. Is the ministry going to have to keep a large number of people on payroll to anticipate the requests, which could be quite unpredictable as to their number and complexity?

It seems to me completely impractical to expect that kind of assistance to work. There are other shortcomings in the bill. It covers only unincorporated associations of residents of the municipality in which the development is located. There may be incorporated associations of residents which might like to appear before the board and need some assistance. In order to get federal income tax exemptions, groups are usually encouraged to incorporate as non-profit bodies. There may be such groups which would be ruled out by this bill.

There may be groups outside the municipality in which the development is being contemplated which would like to participate, because very many of these projects affect far more than one municipality. If they affect the water table, or the air, or the streams, they can affect a very large area. They can affect the transportation modes in the area, if there's going to be trucking in of garbage for a landfill site or trucking out of gravel from gravel pits. It seems to me that the legislation proposed is much too restrictive as to the groups that could be helped and that the help is really not the kind needed to bring people onto an equal footing.

I'd just like to refer to the Maple landfill and garbage disposal case. I think it's a good example of what kind of help is needed. This is an application by a gravel company and a disposal company to use some of the gravel pits for the largest landfill operation in the entire province of Ontario, perhaps in the entire North American continent. It would handle 15 million tons of garbage. Its effects would extend far beyond the area of Maple.

Mr. Speaker: The hon. member has one minute.

Ms. Bryden: It could even affect Metropolitan Toronto because all the watersheds would be affected.

Those hearings began in July 1976 and are still going on. That group has no public funding. Therefore I feel that I cannot support such an inadequate bill and I intend to bring in my own bill as a private member's bill later on.

Mr. Johnson: I'm pleased to have an opportunity to speak during the debate on Bill 100. However, I have many reservations about this

bill, many of which were expressed by the member for Beaches-Woodbine.

Mr. Foulds: It doesn't go far enough.

Mr. Johnson: This bill to amend the present Environmental Assessment Act, would make it possible for groups meeting clearly defined criteria to obtain legal and technical assistance from the Ministry of the Environment in making submissions to the Environmental Hearing Board. Protection of the environment is an issue that most of us have become sensitive to and aware of in recent years. There already exists a good deal of legislation that is designed to guard against damage to the environment, whether that damage arises through air pollution, water pollution, strip mining or other means.

A ministry exists whose role it is to enforce already existing legislation and to advise the government as to what further steps need to be taken or laws enacted. Environmental concerns can and indeed often do conflict with the need for jobs, the economic need to mine our natural resources, the need to transport goods over land and our need to provide housing. It is precisely for that reason the Ministry of the Environment was established, to assist the government in choosing between conflicting needs and to examine possible alternatives.

There is a cost attached to this protection and quite clearly this government has felt that such a cost is a necessary one. There is a social and economic cost involved in delaying housing or the creation of jobs while hearings are held to determine environmental safeguards. The hearings themselves are direct costs to the Treasury of this province, but the government has established its commitment to the environment by saying this is a process that must be followed. Having made that commitment, and having backed it with budget funds, one must then ask where a reasonable balance is struck. We do not have unlimited resources. What we have must be spent wisely.

Although I believe there is good intent behind the bill I must oppose it for several reasons.

Point one: The bill requires the minister to provide assistance from the legal and technical resources of the ministry and for this purpose may designate one or more employees of the ministry or other persons to give legal and technical assistance. However, staff of the ministry are required to prepare a review of an environmental assessment, section 7 (1), and in doing so to co-ordinate the responses of other ministries. This review is designed to be objective but the same staff

might also be required under this bill to give technical assistance to an association, which may be opposed to or in favour of the undertaking. The objectivity of the staff in supporting the ministry's review and, at the same time, the ability of the staff to provide assistance to different associations, would necessarily be prejudiced.

Point two: The effect of the bill is discriminatory. There is no similar provision for legal and technical assistance for associations which appear before the Ontario Municipal Board or other boards or commissions. There is no reason why associations appearing before the Environmental Assessment Board or submitting views on an environmental assessment should be given government assistance, if such assistance is not to be provided for associations appearing before other government boards.

Point three: There are no criteria in the bill for the associations entitled to assistance. Criteria are important so the available resources can be provided in the fairest possible way to ensure effective public participation. This is illustrated by the criteria in the terms of reference for the royal commission on the northern environment. The criteria for the royal commission require that those seeking assistance establish that they do not have sufficient financial resources to enable them to represent their interests adequately, and will require financial assistance to do so.

Bill 100 would require the minister to provide assistance regardless of whether an association has adequate legal, technical or financial resources of its own, thus possibly wasting public funds.

Point four: Because of poor drafting, it is not clear whether the assistance that must be given under subsections 2a and 16a is limited to the legal and technical resources of the ministry—example, staff and documents—or whether financial assistance for the employment of outside help is also required. These subsections do not expressly require any financial assistance but they do authorize the minister to designate outside persons to give legal and technical assistance without cost to the association. Thus, the implication is that the minister would be required, upon such a designation, to pay for such outside assistance.

Point five: The bill does not contain any limit to the legal and technical resources of the ministry, or any restriction on financial assistance by the ministry, which must be provided. However, the legal and technical resources of the ministry relative to any particular undertaking subject to that are quite limited. The ministry's legal and technical

staff must support the administration of all the ministry's legislation and, in particular, the ministry's programs and assessment board's work relative to all undertakings in Ontario which are subject to that. Legislation to provide government assistance, whether it be technical or financial or both for associations making submissions or participating in proceedings of the board must reflect the limited nature of the ministry's resources and contain limits or restrictions on such assistance in order to avoid bringing to a halt the operations of the ministry with respect to the Act.

[8:30]

I might mention in conclusion I requested the opinion of an executive member of the Municipal Engineers Association. This association held a convention in Toronto this past week. I would like to read a few of the comments made by him. I quote, "I very much appreciate receiving Bill Pr100. To say the least, I am appalled to think what effect such legislation could have on future municipal undertakings. I might add that all of the municipal engineers that I have spoken to during the past two or three days are dismayed at such proposed legislation."

In summary, the end is commendable, the means of Bill Pr100 are questionable. I cannot support this bill and must vote against it.

Mr. McKessock: Mr. Speaker, I rise to speak on Bill Pr100, An Act to amend the Environmental Assessment Act, 1975, and to support it.

This bill does exactly what the Bayshore Conservation Committee, a group formed in Sydenham township in my riding to oppose the proposed landfill dump there proposed by the city of Owen Sound, has been asking for. It gives them something set up, where a group can go to get specific information and assistance, procedural and legal, giving them direction as to how to object and present their case against the proposed landfill site in the area. They have also asked for money, but in a private member's bill we cannot ask for money.

I know the Minister of the Environment (Mr. Kerr) is continually saying we must find an alternative to landfill so I feel he will have no hesitation in supporting this bill. If the government would come up with a land-use policy that would protect the five per cent good farmland we have, our problems would be greatly relieved.

Mr. Makarchuk: Do you support it?

Mr. McKessock: It is now costing municipalities thousands of dollars to object and

try to keep garbage dumps out of their communities. In the Owen Sound case alone, over \$50,000 already has been spent on environmental hearings and they're not nearly finished. After the environmental hearings come the OMB hearings and on it goes.

The Bayshore Conservation Committee had to bring in Charlie Farquharson last Saturday night to help them raise a few more thousand dollars to pay their lawyers to keep on fighting.

Mr. Haggerty: Leave it to Charlie.

Mr. McKessock: We feel the alternative is incineration. This would cut landfill by 85 per cent and would put the ash in a non-polluting, burying form.

There are companies who manufacture and install incinerators in various sizes to meet the needs of various sizes of municipalities. They can be placed anywhere near the source and save on transportation. They're non-polluting and can be set up within a town.

For small municipalities, where sorting and recycling is not practical, incineration should be encouraged by the government. The way for the government to do it would be to support this bill and give the groups within the municipalities who have taken the initiative to stand up for the change that is needed the necessary help and direction. Then the government should give 50 per cent funding to the municipalities for incineration, the same way they do for resource recovery systems.

I think we should look at it this way. Incineration is in for small municipalities. If we salvage something from it, this is an added benefit but not a necessity. Extra benefits are heat reclamation, and reclamation of paper, iron, glass, et cetera. We should take the step to incineration first and this would cut off 85 per cent of the land now being needed for landfill. It would cut out the water and well pollution from landfill and the litter connected with landfill.

If the landing on the moon was a giant step for mankind, the passing of this bill will be another step of great magnitude.

Mr. Laughren: Good heavens. That's called hyperbole.

Mr. Foulds: It is a slight tiptoe forward.

Mr. McKessock: Mr. Speaker, I want to thank you for the opportunity of speaking on this bill and in support of help for the people in the small communities.

Mr. Speaker: The hon. member for Scarborough-Ellesmere.

Mr. Warner: Thank you, Mr. Speaker.

Hon. Mr. Drea: Now, look, restrain yourself, will you?

Mr. Warner: I was going to talk about the Don Jail.

Hon. Mr. Drea: No, we just passed that one. Will you restrain yourself, please?

Mr. Warner: I will definitely restrain myself.

Mr. Speaker, I appreciate the opportunity to take part in this private members' period. One of the things that concerned me in the past, and certainly last week, was that there seemed to be a little more of block voting on issues rather than the individual member voting in the way he or she was guided by his or her conscience, which I think is more important.

The government member who spoke earlier surely hasn't overlooked the serious problems that are related to the Environmental Assessment Act, particularly as we know the difficulties with Reed and Dow Chemical, just to cite two. Reed Paper obviously had a field day. Nobody saw fit to even slap them on the wrist over it. Dow Chemical, of course, despite the comments of the Attorney General (Mr. McMurtry) last night, seems to be a lost and forgotten case. He claims to be resurrecting the Dow Chemical action and says we are actually going to see some justice over that.

What's inherent in all of that, however, is some weakness lying in a couple of areas. One area is information or, rather, government secrecy. There are many documents which are necessary and are needed, but we don't see them; they are claimed to be confidential. On many occasions it has been very difficult to launch class action; in particular, I think of the problem with the smelter in the city of Toronto where we found that the smelter was polluting the neighbourhood. We couldn't have a class action on that. It was impossible under the present Environmental Assessment Act to have the people who are affected band together and have a class action against the offenders. That's missing here, and it's something that should be in this bill; it's unfortunate that it's not there.

I certainly like the aspect that has been raised by the mover of the bill, the member for Kent-Elgin, that we should have some involvement of technical and legal advice. As the member for Scarborough Centre (Mr. Drea) knows, the government no doubt is going to have some petitions saying that the Don Jail should be saved. There is going to be a group of folks who are going to come

around and say that be done. And as much as you and I say they are wrong—

Hon. Mr. Drea: I have no room for nut stuff—they're wrong.

Mr. Makarchuk: Give them a week inside.

Mr. Warner: But they surely have the democratic right in this province to have some assistance in presenting their case.

Hon. Mr. Drea: Are you honestly asking me to give money to a bunch of loonies to try to save the Don Jail?

Mr. Warner: No one would ever say that you should hand out money to loonies, whether they are in your caucus or not. What I am saying—and the member for Scarborough Centre knows full well my position on this—is that place should be levelled, and the sooner the better. And if he would be so kind as to invite me on New Year's Eve, I would be there with one of those sledge-hammers.

Hon. Mr. Drea: It's at 3 p.m.

Mr. Warner: In the afternoon of December 31?

Hon. Mr. Drea: That's right. You can take a smash at it.

Mr. Warner: I would be very pleased to be there to assist the minister in levelling that place, which holds nothing but grim memories for this city—

Hon. Mr. Drea: That's right.

Mr. Warner: —but what I say is there will be some people—

Mr. Haggerty: That isn't what your leader said here a year ago.

Mr. Warner: —who perhaps, under the Environmental Assessment Act, will ask for assistance in presenting the case that that place should be retained as an historical item.

Mr. Haggerty: Where does this come in as the principle of the bill?

Mr. Warner: The Environmental Assessment Act allows for them to use that as a vehicle and they may come to the minister and ask for assistance. They should be allowed that assistance, in my view, because it's a democratic right and principle. But in fact, the kind of assistance they require, the information and the opportunity for class action, is not provided for in this bill. I find that unfortunate.

We may also have a group of people coming before us about the Grand Prix auto race, which again can come under the Environmental Assessment Act. They also are looking for information which the government has claimed to be classified—everything

is classified, including what the government members have for dinner, I suppose.

Mr. Makarchuk: That could stand an environmental assessment.

Mr. Warner: But they are going to come and ask for that information, and they would like it. Maybe that should be classified.

Mr. Makarchuk: The dining room.

Mr. Warner: And they will want a class action on behalf of the residents of the Parkdale area who don't want these race tracks running through the middle of their community. I agree with them. They shouldn't have. Labatt's are in it to make money, sell beer and have a good time. And it's fine for Labatt's, but it isn't for the people of South Parkdale.

But the folks in South Parkdale are going to come and say, "Under the Environmental Assessment Act we would like the information. We would like the opportunity to have some class action against Labatt's and we need some legal and technical advice." What we have from Mr. McGuigan, who is the member for—

Mr. Haggerty: You don't know what the bill is about.

Mr. Warner: Oh, yes, I've read it very thoroughly.

Mr. Haggerty: I don't think you understand that, either.

Mr. Warner: I understand the Environmental Assessment Act, 1975. I may not understand you, but I understand the Act. The member for Kent-Elgin brings forward a fairly decent half-measure. But since it's always been my policy as a member of this Legislature and prior to that a member of the community, to support only whole measures, I cannot support this bill. What we need in this province before we tackle any of these environmental problems as related to Reed, or Dow Chemical, or the Grand Prix auto race or any of those other problems, is some information.

What we need is a Freedom of Information Act. That's what we need. Until we get that, there is no point in discussing this bill or anything else even similar, because that's the starting point. Let's get the information, let's take a look at it, let's understand with what situation we are faced before we try to improve the Environmental Assessment Act.

We move from there to guaranteeing that class action is a possibility and that it will, in fact, be embodied in law when we have problems, so a group of residents can band together to go after a smelter that's in the

middle of the community and poisoning their community, as Toronto Metals was. So the people in South Parkdale can band together in a class action against Labatt's and make sure there aren't cars racing through their neighbourhood.

We don't have that, and we need it. This bill doesn't provide that and that's the essence, that's a very important portion. The member for Kent-Elgin certainly had very high motives in bringing forward the bill and I commend him for it. He obviously is very concerned about a very serious problem.

Mr. Riddell: Why don't you support it, then?

Mr. Warner: What I am sad about is he has only gone half-way.

Mr. Riddell: Half a loaf is better than none.

Mr. Speaker: The hon. member has one minute.

Mr. Warner: That's your whole policy over there—half a loaf is better than none—and you always settle for the half that's no good, anyway.

Mr. Riddell: You can't bring in a private bill that is going to spend money.

Mr. Warner: That's the Liberal philosophy.

Mr. Martel: Why do it in halves when you can do it in quarters?

Mr. Warner: The member for Huron-Middlesex who has wandered in from dinner—

Mr. Riddell: No, no, I was here.

Mr. Makarchuk: At 8:45.

Mr. Warner: In conclusion, I am certainly glad to see the good attendance from the government, who are responding to Jonathan Manthorpe's column. That's heartening to know.

[8:45]

Mr. Speaker: That has nothing to do with the principle of this bill.

Mr. Warner: No, but they have nothing to do with legislation half the time either. It's with some reluctance I announce as the member for Scarborough-Ellesmere that I cannot support this bill. What I am hopeful of is that either the member for Kent-Elgin or some other member of this Legislature will bring forward the appropriate—

Mr. Speaker: The hon. member's time has expired.

Mr. Warner: —legislation that's needed on freedom of information, class action and the kind of public funding and legal and technical advice that are needed in amending the Environmental Assessment Act.

Mr. Williams: Mr. Speaker, I find Bill 100 to be an interesting concept.

Mr. Laughren: Time.

Mr. Makarchuk: Dispense.

Mr. Williams: But one must question as to how practical or reasonable such a provision would be in the Environmental Assessment Act. In order really to get a clear perspective on this proposed legislation, one has to relate it to the full context of the existing legislation.

It's quite clear that the present legislation is extremely comprehensive in nature. Not only does it provide that governmental bodies, the public sector, can be open to and subject to environmental assessment, but as well the private sector in any major undertaking can be called to question.

Mr. Speaker, could I have the courtesy from the member for Scarborough-Ellesmere to cease and desist from the conference in the corner?

Mr. Martel: What about the minister? Would you name the minister?

Mr. Deputy Speaker: Order, please. The member for Oriole has the floor.

Mr. Williams: Thank you, Mr. Speaker.

Mr. Laughren: Don't be so petty.

Mr. Williams: I think it's important to remind the members of the Legislature—

Mr. Martel: Where did you pick him out of? He's a reason for retroactive birth control.

Hon. Mr. Drea: That's below the belt.

Mr. Williams:—and the proponent of the bill that if we consider section 5 of the Act we can well see that environmental assessment provides for a very broad area of consideration. There are four major areas.

First, a description for the purpose of the undertaking must be presented by the proponent under an environmental assessment.

Second, that party must provide a description and a full statement of the rationale for the undertaking as well as alternative methods of carrying out the undertaking and, indeed, the proponent must be able to suggest alternatives to that very undertaking itself.

A third major component of an environmental assessment is that the proponent must provide a description of the environment that will be affected or will likely be affected. It must make reference to the effects that will be caused or that might be caused or reasonably be expected to be caused to the environment. The environmental assessment must as well consist of the actions necessary or that may reasonably be expected to be

necessary to prevent change, and to mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment.

Fourth, the assessment must provide an evaluation of the advantages and disadvantages of the undertaking to the environment.

These are very substantive requirements at the very outset of a matter that comes under the Environmental Assessment Act. From there flow the controls and powers under the minister whereby he can stop all proceedings until this matter has been satisfied to his satisfaction, namely, that the environmental assessment has been undertaken and filed and the review proceeded with.

That brings us to section 7 of the Act which is totally comprehensive as far as the involvement of not only government, the ministry and the proponent of the undertaking, but also the public at large.

It is quite clear in section 7 preceding the proposed amendment section that there is more than ample opportunity provided to any interested person or persons to become involved in and make representations with regard to any undertaking as defined under the legislation.

Mr. Van Horne: To what end: To get slapped down? Hogwash!

Mr. Williams: Accordingly, it could be said—and I can say this without fear of contradiction—

Mr. Warner: Without fear of intelligence.

Mr. Van Horne: Without fear of blushing.

Mr. Williams:—in the Environmental Assessment Act we have one of the most comprehensive pieces of environmental legislation to be found anywhere. One of the major features of that legislation is the extensive involvement provided to the public at large, whether it be individual participation or group participation.

Mr. Haggerty: What happened in the government?

Mr. Williams: I would point out that throughout the whole of the Act from section 7 onward, as the members of the House will well recall, this being such a relatively new piece of legislation, there is ample provision every step of the way, up to and including hearings before the Environmental Assessment Board, for public participation.

Mr. Warner: It doesn't work very well.

Mr. Williams: Any group or individual can ask for a hearing and can ask the Environmental Assessment Board to hold a hearing.

Mr. Warner: Explain that one.

Mr. Van Horne: To what end?

Mr. Williams: I point this out to both the proponent of the bill and speakers from the New Democratic Party who have suggested there is not sufficient information made available, to the public.

Mr. Warner: It is called secrecy.

Mr. Williams: They should simply refer to section 32, subclause 2 of the Act which clearly provides the minister must provide any documentation or information relevant to an environmental assessment hearing.

Mr. Warner: Try to get that information. Nonsense!

Mr. Davidson: Do you really think that happens?

Mr. Williams: It is interesting that the outspoken member for Scarborough-Ellesmere has such a short memory, not to recall the Act itself does indeed provide for class action—

Mr. Warner: Stop referring to shortness.

Mr. Williams: —although he suggested on three occasions this evening that no such things existed in the bill.

Mr. Warner: You malign short people.

Mr. Williams: There appears to be no justification for providing additional provisos or conditions in the legislation which already is more than comprehensive enough to meet the needs of a concerned public in dealing with environmental matters.

Mr. Warner: Did the Treasurer (Mr. McKeough) write that?

Mr. Williams: I might point out, in commenting on the remarks made by my colleague as to the lack of criteria in this bill, that not only is there no lack of criteria, but the use of words “an unincorporated association representing residents of a municipality” seemed to run counter to situations that have developed before other governmental agencies such as the Ontario Municipal Board. Rulings have been made by that board suggesting that in order for a group of people to come before the board, they should in fact be an incorporated association so they have a clearer identity for purposes of dealing with and making representations to the board, so they could, in turn, be clearly identified as to who they represent, whether they are being truly representative of residents in a municipality, or are representing perhaps less than a handful or maybe only one or two individuals, and therefore not being truly representative at all of the people in the community.

Mr. Warner: Name names.

Mr. Davidson: Individuals don't have the right to object.

Mr. Williams: The Ontario Municipal Board did point out in recent times it was appropriate and necessary such associations should be incorporated.

Mr. Deputy Speaker: The hon. member has one minute left.

Mr. Warner: What a short memory.

Mr. Williams: If it was found their actions in opposition were, in fact, specious and frivolous, the cost could be held against them.

Mr. Warner: Sounds like a description of your work.

Mr. Williams: The remaining salient point is that it is obvious that to have the Crown employees acting also for those who would be opposing proceedings of the Crown is equivalent in a criminal matter to having the Crown attorney in turn act as well as the defence lawyer in the case. It just doesn't make sense. That is basically what we have before us this evening, a proposal that the employees of the government will wear two hats. This would create an intolerable impasse and would compromise the employees, which would not be acceptable.

For these reasons I find that I would have to oppose the bill before us this evening as not having a realistic approach to providing improvements to an already well-documented and effective Environmental Assessment Act.

Mr. G. I. Miller: Mr. Speaker, the purpose of this bill is to provide for legal and technical assistance to certain citizen groups in the preparation of written submissions and participation in proceedings before the Environmental Assessment Board. In my area there has been a need for this type of assistance, because we have had two occasions where citizen groups have been brought together for the purpose of protecting the environment.

A Cambrian well was slated to be put in my riding of Haldimand-Norfolk and concerned organizations and citizens, such as Bill Topp, spent considerable time and money looking for direction in order to get information on how it was going to affect the environment. Nothing seemed to be available. Consequently they had to hire their own legal services to oppose this proposed installation. Again, it was brought to my attention in the Nanticoke waste disposal, which was another hearing being held in the riding. Here, again, there had to be a citizen group to initiate it. I believe it is going to cost them

something like \$6,000 to obtain technical knowledge and legal services. They have asked the various levels of governments for assistance but so far they haven't been able to come up with any.

An editorial in the *Globe and Mail* of October 26 declared that if there is any ministry in the Ontario government which should function on an open basis, which should level with the people, it is the Environment ministry. The ministry is not an old one. It was created in 1971 because of long public concern about pollution—concern which has become sharply tinged with cynicism, because the public had simply ceased to believe that the government would do anything about pollution.

It is a new ministry. It is a serious problem. The Environmental Assessment Act was only established in 1975. I would hope the ministry could accept constructive criticism to provide a better service for the people of Ontario. A headline in *Farm and Country* on Tuesday, October 25, referring to hearings, slams waste and cites secrecy. This seems to be the policy of this government to try to keep as much information away from the people and I think this bill would help to alleviate that.

I think it is a step in the right direction and I would hope that the government would give it some consideration. If they do not accept it, it will certainly focus attention on the need of assistance for the concerned citizen groups, who are the backbone of our province and the people we should be listening to.

[9:00]

Mr. Deputy Speaker: I'll recognize the member for Carleton Place and advise her that she has until 9:05 p.m.

Ms. Gigantes: I'm not going to support this bill, but when I listen to the member for Oriole attack it, though I'm not a mean-minded person, it's enough to make me wish some Minister of the Environment would allow a secret licence for the burning of PCBs in Oriole. Then we'd see how he'd like to have his citizen groups go undefended when it costs \$500 a day for decent lawyers in these kinds of hearings.

I'd like to point out that, while the member for Grey mentioned the heroics of Charlie Farquharson on behalf of the environmental group in his area, Charlie Farquharson is not the only hero in Ontario in terms of helping out environmental groups. And they do need help; there's no doubt about that. If this environmental assessment law is worth anything at all, which one tends to doubt

after watching the government allow an exemption for a project of the nature of Darlington, then it has to make provision for the funding of community groups for a decent representation before the Environmental Assessment Board.

Charlie Farquharson is not our only provincial hero. I'd like to point out on behalf of my caucus and with great personal pride in my friendship with this gentleman, that in 1976 the Federation of Ontario Naturalists gave the award of Man of the Year of 1976 to the member for Brantford, my colleague here in this caucus. I'd like you to know, Mr. Speaker, the member for Brantford is not the hero to whom I refer. He has been named a hero by another very well established environmental support group. The hero is a person to whom the member for Brantford gives tribute in the case that they fought together concerning Elora Gorge and whether that project should proceed. The hero in this case was a Mr. Eddie Goodman, well known to members of this Legislature and I'm sure to the member for Oriole too.

Mr. Makarchuk: A very odd couple.

Ms. Gigantes: Mr. Eddie Goodman is not a gentleman who generally does things for free, as we know in this province.

Mr. Van Horne: Or at least reasonably.

Ms. Gigantes: Usually there's a price attached to what Mr. Eddie Goodman does for one. But in this case Mr. Eddie Goodman provided help which would have cost about \$500 a day, maybe \$1,000 a day. It might have amounted during the course of the hearing to a gross cost of \$10,000 for my colleague from Brantford and his environmental associates to go through the hearing they fought, which I think was a worthy effort, and so did the Federation of Ontario Naturalists.

Mr. Eddie Goodman donated his time, his experience and his skills to help fight that case. They lost it nevertheless and were assessed costs of \$18,000. I'm going to assure you, Mr. Speaker, there are very few citizens in Ontario who can afford to take on a case—

Hon. Mr. Drea: If she abuses my friend one more time, she is in trouble.

Ms. Gigantes: —where a lawyer might cost \$10,000. You can't get Eddie Goodman all the time for free.

Mr. Haggerty: It sounds like she is going to support the bill.

Ms. Gigantes: There are very few citizens in this province who have the courage and perhaps the foolhardiness of people like my friend, the member for Brantford, and the

passion—to take an action of this kind and run the risk of running into debts of \$18,000, to say nothing of what the legal fees might have been.

The bill before us is a bill which suggests a kind of public defender on behalf of citizen groups which wish to launch an appeal under the Environmental Assessment Act. The member for Wellington-Dufferin-Peel has made it very clear that the government doesn't want to see its professionals work for groups of citizens. He's also made it very clear, and I believe this to be true too—

Mr. Deputy Speaker: The hon. member has 30 seconds.

Ms. Gigantes: —that the professional engineers don't like the expectation that they would be in government employ, and have to work on behalf of citizen groups. It's just not a feasible idea. If we're going to provide resources for citizen groups that want to make appeals under the Environmental Assessment Act, we have to provide adequate funding. It obviously can't be done through a private bill.

If the Environmental Assessment Act is ever to be made a worthwhile piece of legislation by this government it has to be amended. It has to be used properly to start with, then it has to be amended to provide adequate funding for citizen groups.

Mr. Van Horne: That will be when hell freezes over.

Mr. McGuigan: I would like to thank the speakers on the left for their somewhat grudging support. I really didn't quite see this amendment, as my friend from Grey said, as a giant step. I really saw it as probably a small step that might lead to some of the questions that have been raised, providing funding and providing means of class action and so on. As a private member, limited as we are to measures that will not spend money, I thought this was a reasonable step to try to open up the Environmental Assessment Act so that it would be perceived by small groups as perhaps being more their champion than they presently perceive it.

I can agree with the member for Wellington-Dufferin-Peel that it's a pretty good Act in many respects. There's a good deal of provision there for public participation and for protection of the public, but in too many cases the public sees the ministry people as its opponents rather than as its helpers. I'm surprised to hear the member raise the question of whether they're objective or not, because I listened to quite a lecture by one

of the engineers in the ministry, who lectured me and others on that very subject. He told us how professional they were, how devoted they were to the truth, how objective they were and that no one should question their objectivity. I'm rather surprised to see that members opposite would question their objectivity, when we think of the wonderful civil servants we have in this province—many of them paid salaries in excess of the ministers.

Mr. Van Horne: Considerably in excess.

Mr. B. Newman: Doesn't that make them wonderful?

Mr. McGuigan: I have a good deal of faith in them. My meetings with them so far have impressed me. When we have engineers and so on in lesser positions, who are paid considerably more than back-benchers are, we must attribute some good qualities to these people. So I'm rather surprised to see the government take the view that they could not be objective and could not do the things that we have asked for.

It would seem rather anti-climactic to spend much more time speaking on this subject; it would rather appear that it does not have support. For that, I'm sorry for the shortcomings that you see in the bill. I hope, however, that perhaps it does lead to some thought in this matter and perhaps highlight the need for changes that should be made in the future.

Mr. Deputy Speaker: That concludes the time allotted for ballot item 11. The matter will be deferred until further discussion at 10:20 p.m.

EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Mackenzie moved second reading of Bill 106, An Act to amend the Employment Standards Act, 1974.

Mr. Mackenzie: Mr. Speaker, I think most members of the House are aware that the hours of work have been a long fight in this province and, indeed, around the world. I think establishing standards or maximum hours of work is probably more important today than ever before for a number of reasons that I hope to go into briefly. I do urge the parties seriously to consider supporting this, which is just a step and probably only part of a package that's really needed.

I would remind some of the members in the House that back in—I didn't dig up the exact date—either the late 1860s or early 1870s, we had workers here in the city of Toronto demonstrating to try to obtain a

nine-hour day at that period of time. One George Brown, editor of the *Globe* and a leading Liberal of that day, not only took it upon himself to break that demonstration but to arrest the workers and do what he could to be assured that they did not achieve a nine-hour day.

Mr. Martel: Nothing's changed. It's typical of them.

Mr. O'Neil: That's why you should be here.

Mr. Martel: Nothing's changed with the Grits.

Mr. Mackenzie: There was also a politician by the name of Sir John A. Macdonald in that period of our history who was politically astute enough to realize that this was a good issue, and a just issue, I think. He took the side of the demonstrators in the city of Toronto at that time. I might say that he reaped the political rewards.

However, to give due tribute to my colleagues on my right, I'd like to point out that the federal government has now moved to an eight-hour day, 40-hour week, with overtime of time and a half after 40 hours. They may have seen the error of their earlier days, and that's now federal legislation. It's possible that the foresight of the Tories back in the 1870s at least had been caught up to, if not surpassed, by the Liberals of today—federally at least. I'm not sure yet; we may find out what the provincial Liberals will do with this.

As I said in the beginning, there are many and compelling reasons for supporting this legislation as a step in the province at this particular time, but a little bit of history is very interesting. I didn't have a lot of time, being out of town the last few days, but when I started to look it up tonight there were two or three paragraphs that caught my eye.

It's interesting that, other than those people who just had to scramble every minute of the day to survive—and I suppose we could go right back to the beginning of civilization on that story—the idea that there is no substitute for hard work may be more recent than some of us realize.

I note that Aristotle's notion of the purpose of work was that it was unimportant except that it enabled a man to achieve leisure in which to recreate himself, restore his serenity and enrich his mind and soul. Throughout most of civilization, leisure was also upheld as beneficial. I found it interesting, when checking it out, that in fourth-century Rome, for instance, the citizens set aside 175 days a year for leisure.

Mr. Haggerty: The good old days.

Mr. Mackenzie: In 13th-century France, a skilled craftsman laboured for only 194 days in a year and spent the rest of his time in vigorous relish of the fairs and festivals that took place in that particular time.

Mr. Laughren: It sounds terrific.
[9:15]

Mr. Mackenzie: I also found, and it really didn't surprise me, the change, the Calvinistic doctrines, if one likes, of hard work, of long hours, seemed to come about with the birth of the industrial revolution, when we had to put people to work in the sweat shops, when we had to produce. When we think back to the days of child labour, we will realize the beginning of our industrial revolution was also the time we started working people every minute and every hour we possibly could. The motive more clearly defined then than in any time in our history, was the profit motive, the capitalist profit motive.

I am not sure we have left that. It was probably in the 1840s that change started, that people began to think seriously about what our priorities were, what we should be doing, what rights to leisure men and women had in the work place. In the States, the campaign to change some of these long hours and the difficult times that people had, the number of hours they had to put in to make a living started about 1840 to 1850. We also started, of course, developing some of our industrial technology at that time and found while we were still using people extensively, machinery beginning to develop was able to do more and more of the work and produce more and more, technology was really growing.

It probably wouldn't be too hard to find the figures today, but I was interested also in noting by 1960 in Canada, only 43 per cent of our work force was engaged in producing tangible goods, agricultural products, useful products, industrial products, products we might sell in world markets, you name it. That's probably considerably smaller today, but we had gone down to 43 per cent. The rest of them were involved in various service trades.

We have to look more and more today at the value of the human being. We have to look at some of the problems related to the hours worked by some of our people in the plants today. We have to take a look at questions being faced, for example, in an automobile assembly line and the question of boredom, regardless of those who say it does or those who say it doesn't exist.

If one has worked on an assembly line or a

production line at all, and some of us have, he or she will realize it's not the most satisfying job in the world. We have to look at the tensions that build up in a modern society. We have to take a look at whether or not the work we are doing is rewarding and invigorating and whether there are other, more enriching, activities we can put ourselves to in our off-time or in time made available to us.

I really hope what we are starting to look at is a sort of coming of age in terms of dealing with people and the hours they have to work. But at the same time, we have to take a serious look at what's necessary in this day of plenty to keep body and soul together. All of us should be pretty concerned about that.

I guess in setting the argument I want to make with you just briefly, I would remind my Liberal and Tory friends in this House when we take a look at our economic problems today, if members in this caucus raise questions of government ownership or even government partnership in our industry usually related to some effort to spread the work around to take care of people, or we take a look at equity or argue equity even in industry today, we are accused almost without exception of once again, no matter how we put it or what we are really looking at, of advocating nationalization and it positively scares the members of both the other parties. They, I guess, believe in and march to the tune of private enterprise.

So be it. I have no objection to that at all. I believe in their right to take that approach but I want them to take a serious look at the results today. Take a look at this shrinking number of people producing useful or tangible goods and services. Take a look at the unemployment and the problems with automation we really have become aware of in the last few years and that are growing with us.

Most of you probably aren't aware in the steel industry—basic steel, in this province today—we could produce what we are producing now with less than half the current work force. I had two examples in the trip over the last two days to Sudbury that really took me back.

This morning we were going through the copper refinery at Inco. In one of the most labour-intensive departments, employing 250 workers, we were told by one of the top management people that the production of that refinery, which is about two per cent of the world supply of nickel and was being done by 250 employees, producing the most pure copper products in the world, would be done by no more than 20 in one of the new mills that have just been completed in Japan.

The new mills they are competing with, the Japanese, have a high capital cost that they have to relate to. We are fortunate in that we have paid for the mill, but we are paying the labour cost. It is putting 250 people to work, where it could be done with 20.

We took another look at a strip mill where they will be running strip to make coinage, part of their pride in the Inco operation. We found a plant that was not yet completed and was already costing in excess of \$24 million, was going to operate on a total work force of 35 men when completed. The cost will probably be—who knows—about \$30 million when they finish.

These are just some of the things we have to take a serious look at. I guess in one small way that's part of this particular bill.

I always wonder why we don't take the initiative more quickly in ways that don't necessarily upset the private enterprise approach of the government or of my friends on the right. We are going to have to look at some of their answers, and one of them may be the hours of work in our society. Certainly, if we can produce the goods, as the evidence over the last 20 to 30 years and more shows, with fewer and fewer people, and if that means a growth in service areas—and it's usually the tax dollars that finance those—then we are going to have to take a serious look at how we keep this growing number of people working.

I wonder why the moves to try to assist so far are usually not coming through any initiative of government, but coming at present from the unions. We have this in steel. It is a very small move, but some members are aware of the extended vacation plan in the can industry and some of their plants. I wish they were putting more time and effort into it. But it is a recognition of the need for some leisure time and, in a small way, to stretch out the work force.

We have the example of the automobile workers. I don't know whether the members are aware of it or not, but if they are able to achieve in Canada the same contracts they have achieved in the US at General Motors—General Motors alone—they tell me that the extra days off they are working on, the personal birthdays and the additional 11 to 12 days, the extended time that they are working on, will mean about 800 more employees in their plants.

Part of it is just good business. Not only does it help us if it puts that many more people to work, but it may also be one measure of removing some of the boredom from

the assembly-line jobs. But there is a potential of 800 jobs there.

We have the recent IBEW contract here, settling a strike in Toronto. Whatever else one might say, I at least give them credit for moving in an effort to cut down the number of overtime hours they would work in a bid to extend their work force to provide more jobs for their people.

I think it is time the government of Ontario, and the political parties in this House, follow the suggestion that has been made for a long time by the labour movement, in a brief from the OFL, that we take a look at the 40-hour week and overtime after 40 hours. It is time that we moved as some other provinces already have. Once again Ontario is not leading the way.

I mentioned that the federal Liberal government now operates on an eight-hour day, 40-hour week, with time and a half after 40. Manitoba has eight and 40 and time and three-quarters after 40. Saskatchewan has eight and 40, and time and a half after 40. Yukon is eight and 40 and time and a half after a 40-hour week.

So there have been provinces that have moved this way. The limited amount of research I was able to do, did not give me any accurate figures on what might be involved in terms of extra employment. But we did get a bit of information that at least makes me hopeful. We found that in Ontario in 1977 Statistics Canada showed there were 419,000 paid non-agricultural workers who worked between 41 and 50 hours a week—this was a survey done by Statistics Canada—and there were 352,000 who worked more than 50 hours a week.

Assuming that the 41- to 50-hour group works an average of 45 hours per week, and the over-50 hour group works an average of 50 hours per week, if 10 per cent of the over-40-hour-per-week jobs were cut back to 40 hours as a result of a cut in the standard work week and the hours of work eliminated by the change were distributed—I know this wouldn't happen in every case—but were distributed to new employees working the standard number of hours, then this alone would create about 15,000 jobs in the province of Ontario.

Hon. Mr. Drea: In road paving? Come on. You know there is a 56-hour week there; your union signed the agreement.

Mr. Mackenzie: Nobody is saying you can give an absolute answer on this; I understand that, but the very fact that this kind of a move could mean 800 jobs in the General Motors plans, say, is an indication.

In the situation we have now, as I think all of the members of this House are aware, it's usually cheaper for a company to work the overtime—and in terms of the current legislation it's 48 hours, even though the average hours worked are 40. But when they have to go into the extra hours—and this is one of the reasons it's cheaper—they can take 48 hours times the entire complement of that plant before they have to start applying for a permit for overtime. That means that in a big plant, like one of the automobile or steel plants, they work one hell of a lot of hours before they even go for the permit to get the extra hours per employee. Certainly the potential is there for additional work in the work place of the province of Ontario.

While this is one small move, and only part of a necessary total package, it's something that is long overdue. I hope the attitude of members of this House is that it's an idea whose time has come, and I would ask the members of all parties to support this legislation.

Mr. Maeck: Mr. Speaker, I rise to speak on Bill 106 and particularly as to how it may affect the tourist industry in the province of Ontario. As you are well aware, the major industry in the riding of Parry Sound is the tourist industry—

Mr. McClellan: That's because Canadian Motorlamp closed down.

Mr. Maeck: —and what happens in this particular bill is going to have a great effect on the tourist industry.

Before I go further, however, let me say that I sympathize with any well-intentioned attempt to reduce unemployment and to give better working conditions for the workers. I think any member of the House whose efforts are directed towards assisting the unemployed should be commended.

Mr. Swart: And voted for.

Hon. Mr. Drea: The member for Welland-Thorold never worked a day in his life, and he knows it.

Mr. Maeck: At the same time, I think we all recognize that our efforts here must provide real help and in no circumstances must they exact a greater cost than the benefits they provide.

I have undertaken a careful examination of this bill and conclude that a substantial number of firms in the hotel, motel, restaurant, catering and tavern industries would suffer if it were enacted. What is perhaps even worse, the unemployment picture would ultimately not be improved.

Mr. Mancini: Who wrote this for you?

Mr. Warner: It sounds like a speech by the Minister of Industry and Tourism.

Mr. Maeck: The fact is that businesses today, and particularly those within the tourist industry, must operate in as lean and efficient a fashion as they can devise if they are to survive. Accordingly, labour costs cannot be permitted to exceed a given portion of overall expenses.

This is not so much a partisan position as a simple explanation of common business sense. And common sense indicates that if more employees are hired while total man-hours remain the same, then labour costs will increase, if for no other reason than because the employer must increase bookkeeping and support an increased number of benefit packages.

Given that scenario, the small tourist operator, struggling to survive under this additional burden, will be forced to reduce the hours of service he can provide in order to restrain the portion of costs that attach to his employees.

Mr. Warner: That's convoluted.

Mr. Maeck: It's not convoluted. Those members opposite who have tourist industries in their ridings will be well aware that they are in trouble already.

There may be some slack in government operations, although here too we have been increasingly careful in our utilization of human resources, but there is no slack in private enterprise operations in the tourist industry.

Mr. Martel: He knows that Minaki Lodge should be nationalized.

Mr. Maeck: To create the slack artificially, to damage the Ontario tourist industry's competitive position and to legislate needlessly, would be the worst possible response this Legislature could take. Certainly it would damage whatever confidence the electorate may have in us.

[9:30]

Mr. Warner: Ah, your confidence is shaken.

Mr. Maeck: The unemployed in Ontario do not require help from us for tomorrow or next week. That is the function of unemployment insurance. What they require from us is help for the rest of their lives and we can only provide that kind of support—

Mr. Warner: Offer some jobs.

Mr. Maeck: —within the context of long-term industrial strategies that recognize economic influence extended far beyond our legislative reach.

Mr. Warner: When do we receive that? Show us some jobs.

Mr. Maeck: In short, we cannot tinker away legislatively. We must examine the global economic spectrum and carve out for ourselves a strong and secure position. In the meantime, it would be disastrous to damage the economic integrity of business in Ontario—and I am thinking of the tourist industry especially—to damage business and to hire an employee next week by denying both the business and the employee their economic viability next year and the years thereafter.

At the same time, there is a positive sense in what we are debating today. Implicit in the bill is, as I have said, a proper focus of concern for the unemployed. This bill may not serve their needs or the needs of the tourist industry in Ontario and the business community as a whole.

Mr. Warner: Or the needs of the working people.

Mr. Maeck: But I thank the member for his effort. One hopes that we will emerge from this debate determined to increase collectively our efforts to reduce unemployment wherever realistically possible.

Mr. Swart: What we need is a minimum wage in Canada.

Mr. Acting Speaker: The member for Essex South.

Mr. Warner: Let the Liberal voice of labour stand up.

Mr. Mancini: Mr. Speaker, maybe your first job should be to quieten the people on the left so that I can properly address the House.

Mr. Swart: We don't want any good ideas coming forth, do we?

Mr. Warner: The only sign is the volume, not the wisdom.

Mr. Mancini: How did you guys get the member for Welland-Thorold in here this evening? I guess the 8 o'clock news is over. It is good to see him.

Mr. Foulds: The member for Welland-Thorold spends more time in the Legislature than you.

Mr. Acting Speaker: Order, please. Will the member for Essex South please continue the speech and ignore the comments to his left?

Mr. Swart: He is the one who makes the comments.

Mr. Mancini: I rise to support Bill 106. I have to say that as usual, when the member for Hamilton East stands to put forth a proposal, unlike many people from the left side of the House, he is usually careful with his words. I have to say he is one of the more believable people they have in their party. They should be happy they have him.

Mr. O'Neil: Is he running for leader?

Mr. Mancini: Anyway they are in third place and they are slipping fast so it does not matter. I can recall in my early days in high school—

Mr. Gregory: Last year.

Mr. Samis: Smart man.

Mr. Mancini: —when we were taking English history, reading in the history books about child labour in England and the abuse that the working people had to take at that time. I would like to say I am glad we have moved so far away from that type of thought and from that type of action in the work place. I think we need to continue to move in the direction of a 40-hour work week. I support the basic principle in Bill 106 that the work week should be 40 hours.

Mr. Germa: You are going to get thrown out of your caucus.

Mr. Mancini: Oh, goodness.

Mr. Acting Speaker: Order.

Mr. Mancini: I would also like to say, if my friends on the left will let me, that I am not exactly sure how many jobs this bill will create. I don't know if it will create any at all. I do think that the basic principle and the basic thought behind the bill is a good one. That is why I support it.

Mr. Samis: Convince the member for Quinte now.

Mr. Acting Speaker: Order, please. Could I ask the members for Scarborough-Ellesmere and Cornwall particularly to pay attention to the speaker and keep order?

Mr. Mancini: I don't know, Mr. Speaker, if this bill will provide a single job in my riding. I know many of my constituents have a choice as to whether they work more than 40 hours; they have a choice as to whether they want to increase their income through overtime. I know many of them do and I know many of my constituents want that choice; they want to increase their income through overtime. I also know many who want the privilege of not having to if they don't wish to do so.

I have two or three small concerns about the bill. I am not sure of the effect it will have on small business. I had hoped the member for Hamilton East (Mr. Mackenzie) would have some material from his research staff to put before the House with respect to the effect this bill would have on small business, if indeed it would create some type of hardship, as some members and some small business owners suggest; I am not sure about

that. I am not sure, further, what type of support it has among people in the area of tourism, as was stated before. Those points should be considered though.

I would like to close by saying people in my area who are represented by the UAW and people like that, don't need the assistance of this bill; but there are many people out there who are not organized and who are not protected by large and powerful groups. These are the people to whom the bill is actually directed. I choose to support the bill, and possibly in the future the member for Hamilton East could give us more facts and statistics on how the different groups I mentioned might be affected. Thank you, Mr. Speaker.

Mr. Davidson: It is a pleasure for me, Mr. Speaker, to rise in support of Bill 106 as put forward by the member for Hamilton East. Let me assure members, as he pointed out, this bill is long overdue in being enacted in this province. I am not going to use the approach he used, because I am one of those, contrary to the Minister of Correctional Services (Mr. Drea), who came from the work force; and when I went to work I worked a 52-hour week. I came from an industry where even today people are working a 48-hour week and they are doing so because of the law that exists in this province.

Let me assure you the 40-hour week will do much more than free people from the industrial bonds that held them down. It will also do much to develop a better society in which to live.

You may question that. Let me put it to you this way. Many of the children in our society are known as latch-key children. They are children whose parents, both parents, find it necessary to go to work in order to sustain themselves and their families. As a result of parents having to go to work and having to work excessive hours, many of the children are left in their homes prior to going to school in the daytime and come home in the evenings and still have to wait around for another hour or an hour-and-a-half for their parents to return from work.

That is the fault of the society in which we live. It is not the fault of the children; it is not the fault of the parents because both parents find it necessary to work. I would suggest to you that in the industry from which I came, in which the vast majority of workers are women, there are, even today, in unorganized textile plants right here in this city of Toronto and throughout the rest of this province, women who are finding it

necessary, because of the law in this province, to work a 48-hour week.

Because they are compelled by the law of this province to work a 48-hour week, we have what is known as latch-key children. I'm quite certain if the Minister of Correctional Services and the Minister of Community and Social Services (Mr. Norton) were in this House that they would be well aware of what it is I am speaking of when I talk about latch-key children. Because it is those kind of children growing up in our society who are being put into correctional institutions, who are being put under the care of Community and Social Services. The reason is a lack of parental guidance throughout their growing up years, caused by a society that compels parents to work additional hours, compels both parents to work so they are able to survive as a family. This in itself is a crime against humanity as far as I'm concerned.

Now, going to a 40-hour week, you might say: "Well, what will that do?" By going to a 40-hour work week, if it is necessary for both parents to work, at the very least you could have women going to work at eight o'clock in the morning and coming home at four o'clock in the afternoon, which means that they would leave work at approximately the same time their children go to school and that they would return home from work at approximately the same time as their children. This in itself is not a total answer, but it would be a partial solution to the problem of dealing with latch-key children.

For those who doubt what I'm saying you don't have to run around your own riding, you don't have to say I don't have time to run around my riding and see what's happening, I suggest what you do is put aside part of an afternoon, as many of you over there and in the other benches in this Legislature apparently do on occasion—I don't know what you do with your time, you may go downtown or somewhere else—but take part of the afternoon to go down to one of the textile mills or other plants, shoe factories or whatever, not too far from this building, and talk to some of the workers in the sweat shops that exist down there on University Avenue and Spadina Avenue. You will find out from workers there exactly what it is I'm referring to when I talk about the hours of work they are forced to put in.

These are some of the problems that exist. As I said earlier it may not be that we can solve all of the problems of the children in

our society, but we may help to cure some of them.

The member for Parry Sound (Mr. Maeck) suggested that if we put a 40-hour work week into effect in Ontario—somehow or other Parry Sound was going to disintegrate into the ground, and that it will no longer exist because it will lose the tourist trade in the province. I would suggest to him that in the provinces of Manitoba and Saskatchewan they still have a viable tourist industry; it still exists, even taking into account the fact that they have a 40-hour work week. It has not disappeared at all; in fact if anything it's strengthening itself.

Mr. Swart: There's less unemployment.

Hon. Mr. Drea: And what happened to the Premier of Manitoba?

Mr. Davidson: I don't really know if I could support some of the statements that he made.

Hon. Mr. Drea: You don't know. That is why he is in the Scott Mission line.

Mr. McClellan: Be careful, Frank, your old self is showing.

Mr. Davidson: I don't really know if I could support some of the statements he made, knowing full well that the people who work in the tourist industry—and I mean work in it, not own it—the people who work in the tourist industry rely on tips in order to survive because of the wages that are allowed to be paid in this province. They have to work a 48-hour week in order to make a living, and they have to get the tips in order to exist; that, to me, is wrong also.

Hon. Mr. Drea: Just say it right now, are you against tips?

Mr. Martel: On the horses, yes.

Mr. Davidson: If the minimum wage in this province were adequate enough you would not have to rely on tips in order to survive.

Hon. Mr. Drea: I would like it recorded that he did not answer.

Mr. Deputy Speaker: Order, order.

Mr. Davidson: I would also like to point to the member for Essex South (Mr. Mancini) even though I congratulate him on having the insight to support this bill, that this is not in fact strictly a job-creating bill. It is a bill to bring some sense of justice into the Employment Standards Act of this province; and I think it's about time the people in this Legislature took a good look at what is happening around them and voted in favour and in support of this bill.

Thank you, Mr. Speaker.

[9:45]

Mr. Gregory: Mr. Speaker—

Mr. Samis: Oh, no; here's the right winger.

Mr. Gregory: —it gives me a great deal of pleasure—

Mr. Warner: Five out of eight; that's not bad.

Mr. Gregory: —to speak in support of defeating this bill.

Mr. Germa: In support of defeating?

Mr. Gregory: I thought the member would like that.

The party to which the member for Hamilton East belongs has certainly no monopoly on concern for the plight for the unemployed.

Mr. Warner: No, but we do something about it.

Mr. Gregory: Unemployment is a national problem which concerns us all and which requires national strategies for its eventual resolution. While it is certainly true the unemployed have rights which we must protect and underline with our support, something must also be said, Mr. Speaker, about the rights of the employed. If this bill is passed, the free enterprise of every man and woman in this industrial democracy of ours would be contained and circumscribed yet again by the burden of more government legislation. The business community already is forced to waste a tremendous reserve of energy simply complying with government regulations before it can produce the wealth to pay our salaries and underwrite government costs. It is not as if the business community has been sitting still. In October, 1976, 3,689,000 men and women were gainfully employed in honest job positions in Ontario. By October, 1977, that seasonally adjusted figure had increased by an impressive 142,000 job positions in one year.

Mr. Germa: Have you ever been seasonally adjusted yourself?

Mr. Samis: And the unemployment was as high as well.

Mr. Gregory: Did you ever think of going back down in the mine?

Mr. Mackenzie: He could survive there, you couldn't.

Mr. Germa: Wait until that happens to you, you'll get adjusted.

Mr. Gregory: That kind of increase was not achieved by sacrificing our productivity for short-term advantage, it was achieved—

Mr. Foulds: How does this bill sacrifice productivity?

Mr. Gregory: —with our commitment to increase productivity, to gear ourselves to

the eventual changes in tariff structures, which will otherwise overrun our economy, and to realign industrial growth to meet increasingly tough and more effective world competition. Today, the decline in Canadian dollar value has afforded us a strategic new opportunity to regain our competitive position.

Regrettably, this bill shows no sympathy for those realities. It reflects no appreciation for the magnitude of the task before all governments to house the unemployed within a sound and vibrant economy. If it were as simple to ameliorate the position of the unemployed as this bill suggests, Mr. Speaker, it would be a wondrous thing indeed. But even the most casual scrutiny of this spread-the-work-around ethic compels us to the opposite conclusion. If a small business in Ontario were forced to hire an additional worker, not because it needed one but because the member for Hamilton East said it must do so; and if that business in fact required only the few additional man-hours achieved by current overtime practices, then far from expanding job spaces—

Mr. Warner: Who's going to drag you into the 20th century?

Mr. Gregory: —the incapacity of the small businesses to function profitably or function at all would of course cause a reduction in job spaces.

Mr. Warner: Why don't you bring back child labour?

Mr. Gregory: You have a big mouth. You never listen, that's why you don't know anything. Maybe if you shut up once in a while you would learn something.

Mr. Acting Speaker: Order, please; order.

Mr. Foulds: He's playing to the galleries.

Mr. Swart: If he's going to pick a time to listen it shouldn't be now.

Mr. Gregory: The member for Welland-Thorold might try it, he hasn't shut up all day.

Asking business, especially small business, to worsen its own position time after time cannot lead to an improved employment picture. I await with some scepticism the day an NDP member will ask himself thoughtfully: "How can I help small business? How can I reduce its costs, encourage its growth and competitive position, and influence the creation—"

Mr. Warner: Easy, get rid of this government.

Mr. Foulds: Not on the backs of the workers.

Mr. Makarchuk: Or by reverting to slavery.

Mr. Gregory: "—of honest and meaningful jobs in our economy?" When some members of the NDP caucus announced their candidacy for the leadership of that party—

Mr. Makarchuk: You could really cut down on the overhead that way.

Mr. Gregory: There's the man who stopped the Elora Gorge project. He deserves a lot of credit for that, a lot of credit. I think his delay cost \$20 million.

Mr. Makarchuk: I should hope so.
Interjections.

Mr. Acting Speaker: Order.

Mr. Gregory: Mr. Speaker, do you have any control at all over these people?

Mr. Acting Speaker: Would the member please continue?

Mr. Gregory: As I was saying, when some members announced their candidacy for the leadership of the NDP party, I recalled some sort of assurance—

Mr. Makarchuk: It's NDP not NDP party.

Mr. Gregory: —that they would demonstrate economic realism, that they would show Ontario how they could run the store as well as anyone. You don't run a store with a bill like this one.

Mr. McClellan: You couldn't run a peanut stand.

Mr. Makarchuk: When was the last time you met a payroll?

Mr. Gregory: You've never had a job even at that.

Interjections.

Mr. Acting Speaker: Would the members to my left please allow the speaker to continue? Would the member for Mississauga East please ignore the interjections?

Mr. Gregory: Will I get extra time because of these interruptions?

Mr. Acting Speaker: Please continue.

Mr. Gregory: I would like to conclude my remarks with some observations.

Mr. Makarchuk: We're overjoyed.

Mr. Gregory: At least you're paying attention for the first time tonight. Upon examination of the bill before us, the first thing one analyst from the Ministry of Labour noted was that contrary to the theoretical notions of the opposition, the third party that is, there is in fact not a single review of empirical data which would support the NDP position that the work would be spread around to the unemployed of the work force. Most damning, though, is the comment of

another research analyst who estimates the establishing of the work week in this fashion would tend to hit those lowest on the income scale more than anyone else.

Mr. Speaker, with this bill which damages the capacity of small business to survive in this province, which damages Ontario's competitive position and threatens her economy, and which hurts the small income earner with an honest job more than anyone else, it is difficult to imagine how the NDP could have presented a more carelessly constructed proposal for the consideration of this House.

No doubt the opposition will say to the unemployed of Ontario: "We tried to help you, but got no support from the government." I say to the unemployed of Ontario: "We respect your serious difficulties and will never offer quack remedies for the cure of an illness which ultimately affects us all."

The issues raised by Bill 106 involve extremely complex ramifications for the province's labour force. As the Minister of Labour (B. Stephenson) has stated in the House, these issues are being considered by an internal employment standards review committee. The committee's task in this area is to carefully weigh job creation potential against potential negative results. Among questions being considered by the committee are the following: Would the reduced work week and the enhanced overtime payment provisions encourage employers to introduce technological improvements to replace workers, thereby adding to the unemployment problem; how does an across-the-board adjustment of the hours beyond which overtime must be paid affect enterprises where overtime is scheduled sporadically to meet special demands or peak load requirements; in these situations would the proposals contained in the bill increase employment opportunities at all, or would they merely disrupt production with adverse consequences to both employers and employees?

Mr. Warner: Did Eddie Goodman write that?

Mr. Gregory: No, he's working for you for free, you told me that a minute ago.

Mr. Makarchuk: He is more progressive than you are, he is a progressive part of the Conservative Party.

Mr. Gregory: Even if it is to be assumed that a reduction of the work week would create further employment opportunities, are there sufficient numbers—

Interjections.

Mr. Acting Speaker: Order.

Mr. Gregory: It's a good job you fellows

can hear through your mouth or you wouldn't know what was being said.

Mr. Mackenzie: Attila the Hun.

Mr. Gregory: Even if it is to be assumed a reduction of the work week would create further employment opportunities, are there sufficient numbers of persons now unemployed with appropriate training and skills to meet the demands, or would the reduced work week simply create bottlenecks for particular industries?

In raising these questions, I do not wish to suggest that any firm conclusions have been reached. However, I do wish to emphasize that there may be a superficial simplicity to Bill 106.

Mr. Acting Speaker: The member has one minute.

Mr. Gregory: The government feels strongly that the matters referred to must be carefully assessed in the total context of the employment standards review procedure before any piecemeal changes can be made. In the long-term, the interest of the employees of this province will not be served by changes which will endanger the viable and competitive position of Ontario industry. That is why the matter must be approached with caution, and a decision made only after exhaustive consideration of all available research material.

Mr. Ruston: I would like to direct my remarks to you, Mr. Speaker. I would hope we wouldn't have too many interjections so that we can continue to move along as time is getting on. I will try to add something to the debate.

With regard to Bill 106, my first inclination was that this bill in some way would increase employment, but I am not sure that it will. I studied it over the weekend and met with some of my colleagues, people in my area who are familiar with labour legislation and so forth and are active in their own unions, wherever they happen to work. I didn't really get very much support from them with regard to this bill.

Most of them, I must admit, are working on a 40-hour week in industry that pays time-and-a-half for anything over 40 hours. One of the concerns they had was that they are finding, in some segments of the automobile industry, there are people working as many as 80 hours in a week. This bill wouldn't solve that, because that is voluntary overtime.

I had one particular case where they told me a man had worked 36 hours straight through in one of the automobile plants. I

can't imagine any industry allowing this, but in some cases apparently they allow this, which is absolutely ridiculous. It's dangerous to the worker and dangerous to his fellow workers, dangerous to all concerned.

An interesting point one of them who is very active in the plant union made was that his assessment on overtime was that about 75 per cent would take it or leave it. I mean they would take it if it was there for at least one day, maybe, not necessarily wanting it all the time but being willing to work overtime regularly to some extent.

About 10 per cent of them didn't want anything to do with it. They absolutely didn't want anything more than a 40-hour week. They felt that was all they wanted to work. They wanted to be home, or whatever the case might be, rather than have any overtime.

Then there was 15 per cent, he was telling me, who would take any amount of overtime that was available. It didn't matter how many hours it was, they would work 12 hours a day straight through for seven days a week, which some of them have done. I don't know how one controls that type of thing, because some people have an incentive to want to work and want to get ahead; it would be difficult to restrict that. On the other hand, maybe at times when unemployment is high, that is something to think about in the future.

I see in the Bell telephone union, some have been working 48 hours. A number of them are concerned about that. In an account in the Toronto Star of last week one man had worked his 48 hours and then the company insisted he work longer. There have been some problems there. I am wondering whether there's any solution to these long hours; there definitely has to be something.

What we are all looking for right now is some way of increasing employment. What concerns me with some of the small industries where there may be only 10 employees, or where they are working 44 hours a week and not receiving any overtime for those four hours at the present time, I wonder whether they would have problems in competing at a compulsory 40 hours a week. We are seeing cases now in Windsor and the Detroit area—I was reading about it in the Detroit News this weekend—where plants have been moving. Some of them have moved out of Michigan and gone to the southern states where they can operate a little more cheaply.

It is not necessarily the per hour rate; the cost of operations are a little less because

of heat and so forth farther south where it's warmer to operate these plants. The wage scale of course is somewhat lower because of circumstances in that area.

[10:00]

I would be reluctant to support this bill at this time, when the main thrust of anything to do with the government should be to increase employment. This bill does not really do that, although a few minutes ago one of the members—I think it was the member who introduced a bill or one of his colleagues—said it wasn't really the intention of the bill to increase employment; it was to bring about a fairer work week for non-unionized people.

That might be fine but, as I mentioned before, we have got to consider what can we do at this time to increase employment and to bring that eight per cent down to whatever is considered a reasonable figure. I suppose there are different levels, or that no level is good, but if we could get it down to four or five per cent, we would have a pretty good economy.

I am concerned that this might disrupt some of our small industries, and those employing less than 50 people probably would be affected more than others. But, in the automobile industry, I know of some people who work there part-time and go to university. I know one chap who works on the afternoon shift every Friday in one of the automobile industries, and he goes to university steady. That is because of absenteeism on Friday. They can get a number of these students in to work at any particular spot where somebody is not in on a Friday night. People doing shift work find it gets pretty monotonous at times, and for them it's kind of nice to have a night off. This creates some employment, of course.

If there was some way we could keep a reasonable overtime for times like this, it probably would help considerably. But on the other hand, as I say, some people like to work and work. To compare it to farming, one farmer may buy 150 acres of land and be content to farm that 150 acres forever, whereas his neighbour may buy 150 acres and five years later he will buy another 100. Just as in anything else, it is a matter of incentive: if you have the ambition and incentive, you may get ahead. That is something we don't want to stifle either.

I think the Ministry of Labour should be looking at the number of hours that some people are working in many of the major factories. This really should be checked into and investigated, because I am concerned

that it is unsafe for those putting in the long hours and for those who may be working around them.

I would be glad to support this bill if I thought it would create any employment. But the way this bill reads I just don't think will help us in creating any new jobs at this time. I am afraid that I can't support it.

Mr. Foulds: Mr. Speaker, I rise to enthusiastically and wholeheartedly support the bill.

The bill does a very simple but very dramatic and necessary thing for the working people of this province: it reduces the standard work week to 40 hours and it makes time and a half compulsory for overtime after that time.

The bill is necessary for organized labour so that they can then concentrate in their collective agreements, on negotiating social concerns, working conditions and health and safety matters, which are of great importance in this day and age, as is becoming more and more apparent to us.

Even more important than for organized labour, this bill will be a great step forward for the unorganized workers of Ontario.

While it is important for the industrial unions, as my colleague from Hamilton East pointed out, it is even more important for those people working in the service industries who often work long hours and for low and unacceptable pay. It is a side effect of the bill, not a primary purpose but a side-effect of the bill; it is a good side effect and it will create additional jobs.

We have heard from the opposition benches, and from the Conservatives, that we need to have lean and efficient operations in Ontario in terms of corporations. I have been seldom more offended than I have been offended by the arguments put by the member for Mississauga East (Mr. Gregory). The logical extension of his argument, and his argument was solely that the workers, that labour, must bear the brunt of making industry efficient and lean in Ontario, the logical extension of that argument is that we should go back to slavery, because that's the most efficient way of reducing the cost of labour; that should be put firmly on the record.

We have to consider that there are three elements that make an industry efficient and lean, there are three components: labour, capital and management. I suggest to you that if any industry in this province is so sloppy in its management, and so delinquent in its capital, that it relies solely on labour to make the cuts that are necessary for it to survive, then that industry does not deserve

to survive in this province or in this country or in the 20th century.

The bill is important also for unorganized workers. We know how difficult it is to organize workers, because the labour laws of the province and the country are stacked against arriving at a first contract. In a small way this bill helps in that respect as well.

Even more important are the human effects of the bill. Surely it is about time, in a civilized society, no matter how tough the so-called economic conditions are, that we use the technology of the industrial revolution, and we use the technology of the 20th century, to the benefit of mankind, to the benefit of working men and women. We should not be using humanity, working men and women, as cannon fodder, as the prime force, making them subservient to our technology and to the industrial revolution.

The important social side effects have been most eloquently expressed by my colleague the member for Cambridge (Mr. Davidson). Might I just relate my own personal experience?

We get a lot of sympathy, as members of the Legislature, because we have to spend a lot of time away from our families and children. My father happened to be a CNR section man and never in his life, after working 47 years, did he earn more than \$5,000 in a year. Even more important, to achieve that level of income in the so-called booming '50s, he had to work extraordinary hours of overtime, because he happened at that point in his life to be a section foreman and earning the magnificent salary of \$1.17 an hour. Whenever there was a train wreck along the line, and he happened to have a certain expertise, he would go and work on that wreck to get the tracks in shape and to get the trains moving again, often for 24, 36 and 48 hours at a time; grabbing an hour's nap here and there.

It is a corollary that the imposition and the necessity of overtime artificially keeps down the level of wages for regular pay. I submit to you that it is absolutely essential that low pay not be the primary consideration or the most important factor in keeping the economy of this province going, and that we not rely—

Mr. Eaton: Is that for farm work too, and the low cost of the food?

Mr. Foulds: —on unnecessary overtime; because as I said, one of the most important side effects of the bill is that it will create jobs.

This bill does not cut productivity. What this bill does is bring equity and justice to the work place, and as a side effect it creates

jobs. And for those many reasons, Mr. Speaker, I am delighted to support it.

Hon. Mr. Drea: Mr. Speaker, I want to speak to this bill in a very firm and a very straightforward way. But first of all I would like to point out that I am probably the only cabinet minister in this government, or any other government in Canada, who has lost his job because of the non-economic viability of the enterprise. I will be quite frank with you, Mr. Speaker; that colours my views toward the problem of people who are going to lose their jobs.

I really don't care whether they lose their jobs because of what the technological people or the economic people describe as "viability." I don't care whether they lose their jobs because of plain business mismanagement. I don't even point the finger today, seven or eight years afterwards, at a stupid union. I regard that as part of the human condition. But I can talk about people who are unemployed.

I also want to talk to the House very straightforwardly tonight as the man who brought in the minimum wage for men in the province of Ontario—not a political party. I take the members back to the days of the late 1950s; there wasn't a minimum wage for males in this province. People forget that. There was a 75 cents an hour minimum wage for females but nothing for males.

I used the instruments that were available to me at that time, which was the press. Out of that came the Goldenberg royal commission and out of that came the first male minimum wage in this province. So I can talk first-hand about unemployment and I can also talk first-hand about the question of perhaps not a decent wage in terms of all the things that we look at when we think of a decent wage, but at least a basic wage for men and women who went to work.

I must say that I am going to point the finger a little bit tonight, because I think this debate on unemployment has been a bit of a circus.

Mr. Nixon: It looks like the block is in, anyway.

Hon. W. Newman: Glad you recognize it.

Mr. Nixon: Either that or it is pay day.

Hon. Mr. Rhodes: Were those lawyers talking to you?

Hon. Mr. Drea: I am not going to attribute any motives nor am I going to point the finger of any credibility about the member who brought in the motion. But surely at a time when a nation is in a moment of peril, economic and social and political, the ques-

tion of the unemployed worker, male or female, in 1977 deserves a lot more attention than it received in this House tonight.

I want to say to you that I am an employer as the Minister of Correctional Services. I have a licence plate facility. I have a textile plant—and I heard all about the textile industry tonight. I have the best mattress factory, not only in this province but in the country. As a matter of fact we are doing things that will make sure people don't die from a faulty type of mattress which is all too prevalent in institutions today.

Mr. Ziemba: You are a little late there.

Interjections.

Mr. Nixon: That is the Drea we know. Take him outside.

Hon. Mr. Drea: I want to talk about the fact that I have a metals plant where we recycle metals.

I recycle the metals that were used in old jails and we put them into new jails and they are a gift to the taxpayer. We do that, so I am an employer, as well.

Interjections.

Mr. Havrot: Recycle your tongue over there.

Hon. Mr. Drea: I want to say to you, Mr. Speaker, that the unemployment problem in this country is not a matter of how many hours, whether it is 48, or 44, or 40, or 38, or 36 or zilch.

Mr. Germa: Zilch?

Hon. Mr. Drea: The fundamental problem with unemployment in this country is very plainly and simply—

Mr. Martel: It is not working.

Mr. Germa: Unemployment is not working.

Hon. Mr. Drea.—that through a number of factors we have priced ourselves out of the market. And not once tonight—not once tonight—have I heard a single constructive suggestion—

Mr. Makarchuk: That is not what Darcy says.

[10:15]

Hon. Mr. Drea: One of the constructive suggestions is I do not have a low wage mentality. I believe the worker in this province and this country should get the highest possible value for his input.

Ms. Gigantes: What?

Hon. Mr. Drea: Mr. Speaker, not once tonight have I heard about productivity.

Mr. McClellan: Yes, you have; weren't you around?

Mr. Foulds: What do you think I talked about?

Hon. Mr. Drea: I have heard about the fact that in Japan they have new strip mills for their steel industry. Very humbly I suggest to you tonight that in terms of the capital investment required for a steel strip mill—and I come out of the steel workers' organization—I know what it costs the company and I know what it costs the union in terms of productivity. Not once, tonight have I heard about the capital investment.

Mr. Foulds: Yes, you did.

Mr. Wildman: The member for Port Arthur spoke about it.

Hon. Mr. Drea: One silly New Year's Eve speech and people will not invest in this country; this is why people are unemployed today, not because of the fact they are working a number of hours.

Interjections.

Mr. Makarchuk: That is verbal and economic myopia.

Mr. Speaker: Order, please. Every member in this chamber has a right to be heard.

Hon. Mr. Drea: Mr. Speaker, I want to talk in a very straightforward manner tonight, and I am going to point the finger right now. Where is the ghost of Larry Sifton? Larry Sifton wouldn't have made the kind of speeches that were made tonight from the member's party, he should be ashamed of himself.

Where are the people who built the textile unions in this country? They wouldn't have made that kind of a speech and the member knows it.

Before we come to grips with the unemployment problem in this country—and to me it is a very desperate problem. It is an individual problem; it is the loss of dignity, it is the loss of belief in a system; it is the loss of belief in a country that was held up to you as the place where you could raise your family in dignity, where your children could be better off than you were.

Mr. Germa: Darcy screwed it up.

Mr. McClellan: Now for the truth; tell us about the 40-hour week.

Hon. Mr. Drea: To me during this whole exercise tonight, and I say this with a great deal of sadness, much more with sadness than I say it with criticism, we haven't done one single thing for one unemployed person; except to heap more criticism on him, to put an even bigger burden upon his shoulders, to show him that even where there is the best talent and the best brains in this prov-

ince, and I believe that, that we haven't a single alternative.

As I said, I speak somewhat out of sadness, but I would hope before the next time we indulge in this kind of exercise there is considerable thought given to the type of bill and to the type of speech put forward. The government doesn't have all the answers, and neither does the Liberal Party and neither does that party; but for heaven's sake when we are dealing with humanitarian items, such as the point of the unemployed in Canada in 1977, then, sir, I suggest to you with all due respect that a great deal of thought be given, a great deal of preparation be given, and then we can do better than the circus that appeared here tonight.

Mr. Mackenzie: There is one thing I want to say, Mr. Speaker—I probably wouldn't have ended this way, but I think it is appropriate—one of the things Larry Sifton did all of his life, apart from possibly getting rid of the member opposite in the House, one of the things that he did all of his life was fight for working people, and fight at a very ordinary level; and one of his passions was a 40-hour week. The Minister of Correctional Services should be honest with his comments. We dealt with economics, and with the capital cost of plants; we did. I used it and gave him a couple of examples in my remarks, but obviously he wasn't listening.

Mr. Havrot: They are tools of the American unions.

Mr. Wildman: What about American companies?

Mr. Mackenzie: While there may be appreciation for some of the work being done, members should be careful they don't break their arm patting themselves on the back.

As I said very clearly at the beginning, this bill may not provide X number of jobs, but it's likely to help. It is a positive step. It does prevent some of the situations where the 48 hours is used across-the-board, and it's long overdue.

Mr. Speaker: There are two items of business for the House to consider at this time.

ENVIRONMENTAL ASSESSMENT AMENDMENT ACT

The House divided on the motion for second reading of Bill 100, which was negatived on the following vote:

AYES	NAYS
Blundy	Auld
Bradley	Baetz
Breithaupt	Belanger

AYES:	NAYS:
Campbell	Bennett
Conway	Bernier
Davison	Birch
di Santo	Brunelle
Edighoffer	Bryden
Gaunt	Charlton
Germa	Cureatz
Haggerty	Davidson
Hall	Drea
Lawlor	Dukszta
Mancini	Eaton
McGuigan	Elgie
McKessock	Foulds
Miller, G. I.	Gigantes
Newman, B.	Grande
Nixon	Gregory
O'Neil	Grossman
Riddell	Havrot
Roy	Henderson
Ruston	Johnson
Samis	Jones
Van Horne	Kennedy
Wildman	Kerr
Ziemba	Lane
	Laughren
	Leluk
	Lewis
	Lupusella
	MacBeth
	MacDonald
	Mackenzie
	Maeck
	Makarchuk
	Martel
	McCaffrey
	McCague
	McClellan
	McKeough
	McMurtry
	McNeil
	Newman, W.
	Norton
	Parrott
	Pope
	Rhodes
	Rotenberg
	Rowe
	Smith, G. E.
	Stephenson
	Sterling
	Swart
	Taylor, J. A.
	Taylor, G.
	Timbrell
	Turner
	Villeneuve
	Walker
	Warner
	Welch
	Wells

NAYS:

Williams
Yakabuski

Ayes 27; nays 65.

Mr. Speaker: I declare the motion lost.

EMPLOYMENT STANDARDS
AMENDMENT ACT

The House divided on the motion for second reading of Bill 106, which was negatived on the following vote:

AYES

NAYS

Blundy	Ashe
Bradley	Auld
Breithaupt	Baetz
Bryden	Belanger
Campbell	Bennett
Charlton	Bernier
Davidson	Birch
Davison	Brunelle
di Santo	Conway
Dukszta	Cureatz
Foulds	Drea
Gaunt	Eaton
Germa	Edighoffer
Gigantes	Elgie
Grande	Gregory
Haggerty	Grossman
Laughren	Hall
Lawlor	Havrot
Lewis	Henderson
Lupusella	Johnson
MacDonald	Jones
Mackenzie	Kennedy
Makarchuk	Kerr
Mancini	Lane

AYES:

Martel
McClellan
Newman, B.
Nixon
Riddell
Roy
Samis
Swart
Van Horne
Warner
Wildman
Ziemba

NAYES:

Macbeth
Maack
McCaffrey
McCague
McGuigan
McKeough
McKessock
McMurtry
McNeil
Miller, G. I.
Newman, W.
Norton
O'Neil
Parrott
Pope
Rhodes
Rotenberg
Rowe
Ruston
Smith, G. E.
Stephenson
Sterling
Taylor, J. A.
Taylor, G.
Timbrell
Turner
Villeneuve
Walker
Welch
Wells
Williams
Yakabuski

Ayes 36; nays 56.

Mr. Speaker: I declare the motion lost.

On motion by Hon. Mr. Welch, the House adjourned at 10:36 p.m.

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Ontario

No. 59

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition

First Session, 31st Parliament

Thursday, November 24, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 24, 1977

The House met at 2 p.m.

Prayers.

Mr. Williams: Mr. Speaker, point of order.

Mr. Deans: How can it be a point of order?

Mr. Speaker: We haven't started anything today, so nothing could be out of order unless you want to say that prayers were out of order. You will have to rise on something else.

Mr. Williams: It deals with the debate that took place in the House last Tuesday evening.

Mr. Speaker: It is not a point of order. If you want to rise for the purpose of clarifying something that was misunderstood, you may do so, but don't call it a point of order.

OBSERVANCE OF DECORUM

Mr. Williams: Perhaps I could rise on a point of personal privilege then, Mr. Speaker.

Mr. Breithaupt: You can always do that.

Mr. Williams: Mr. Speaker, during the debate last Tuesday evening during the private members' hour you had occasion to rise in the House and remind the members of the House that indeed every member had a right to be heard. This resulted from the considerable amount of commotion going on in the House.

I am submitting to you, Mr. Speaker, as a matter of equal importance, that during the private members' hour, every member has a right to equal time in the debate. I would ask you to consider a ruling on the latter point, because I honestly believe that some members are in fact being denied their full time allotment.

If you would allow me a brief moment to make my point, I would point out, and I think many members are aware of the fact, that the members of the third party in particular have a well known trait for shouting insults and ridicule and generally causing commotion while members of both the official opposition and members of this side of the House are speaking.

Mr. Lewis: Oh, knock it off.

Mr. Ashe: You don't like to hear the facts.

Mr. Williams: That was a perfect example, Mr. Speaker. Knowing the mentality of the opposition members we understand this compelling need on their part. It seems to be their substitute for honest debate of the issues.

Hon. Mr. Kerr: See what he means?

Mr. Lewis: I heard him, I heard him.

Mr. Williams: While the public perception of this buffoonery is a lowering of the dignity and decorum of this House, I can assure you that the members who are targets of this tactic have no difficulty in taking this nonsense in their stride.

Mr. Warner: Why don't you raise the decorum of the House and resign?

Mr. Williams: However, what is not appreciated is the loss of valuable speaking time—

Mr. Breithaupt: Hear, hear. Like now.

Mr. Deans: That is what is happening now.

Mr. Williams: —that is denied to the members because of unnecessary interruptions. What I would ask you to consider, Mr. Speaker, is the exercise of your discretion during debate on the private members' bills—

Mr. Lewis: Use a cat o' nine tails.

Mr. Williams: —to extend the time to members where they have lost two or three minutes of their allotted speaking time because of unruly interruptions—

Hon. Mr. Rhodes: It's the member for Brantford (Mr. Makarchuk)—that is who it is.

Mr. Williams: —so that the loss is not at the expense of the speakers, but rather at the expense of those who are delaying the proceedings of the House. I'd ask you to take that under advisement.

Mr. Speaker: All I can say to the hon. member is that the time allocation for the members of the various parties during the ballotted items is by agreement of all three parties and there is nothing official with regard to standing orders. I think it is quite obvious that all of the presiding officers in

this chamber have made every effort to maintain order, and perhaps all members could take heed to what has been said thus far and make better use of the time afforded us.

Mr. Williams: Mr. Speaker—

Mr. Speaker: You can't debate it.

Ms. Gigantes: Point of personal privilege—

RULES OF THE HOUSE

Mr. Speaker: If I might, just before I recognize other members of the House, I would like to draw the attention of hon. members to a difficult situation that arose last week. Last Monday I advised the House that I had requested each caucus to give consideration to the question of access to parts of the chamber and its lobbies by members of the press and other strangers.

I have had a response from the usual channels which indicates to me that members of the House are content to allow accredited members of the press gallery to exit from the press gallery by use of the staircase behind the Speaker's chair—

Mr. Lewis: Triumph returns.

Mr. Speaker: —but only to move quickly and quietly—and I emphasize that—only to move quickly and quietly out of the chamber. Members of the House are in no way to be distracted in the House.

Mr. Lewis: Absolutely.

Mr. Speaker: There was no indication whatsoever that the rules governing the use of members' lobbies should change. I will continue to enforce the procedure whereby members of the press are not permitted in the members' lobbies. I hope this will be of assistance to members of the House whose interests must, of course, come first, and the accredited members of the press gallery who have a most important function in the conveyance of the proceedings of the House to the public. I hope that is satisfactory to all concerned.

Ms. Gigantes: Point of personal privilege, Mr. Speaker.

Mr. Roy: Point of personal privilege, Mr. Speaker.

Mr. Speaker: The hon. member for Ottawa East.

ALLOCATION OF TIME FOR ESTIMATES

Mr. Roy: Mr. Speaker, my point of personal privilege deals with the privilege of the members to be afforded an opportunity to review some of the estimates of various ministries and government agencies,

I don't want to be unduly critical of the House leaders and other members of the House because they are trying to allocate time as they see fit. But I do want to bring to the Speaker's attention that, for instance, on Tuesday evening, we were in the estimates in the standing committee on general government—

Mr. Speaker: So we don't unduly waste the time of the House I would like to draw to the attention of the hon. member that the House has no jurisdiction to deal with anything that happens in committee with regard to the allocation of time unless it is specifically requested to do so by that committee through its chairman. The House has no jurisdiction until it is asked to intervene in that way.

Mr. Roy: I ask the Speaker to intervene because—

Mr. Speaker: I can't intervene at the request of an individual member. I can only do so at the request of the committee through the chairman.

Mr. Roy: Mr. Speaker, if I may—

Mr. Speaker: You can't debate the question. I have made my decision—

Mr. Roy: I am not debating. I want to ask the Speaker a question if I may.

Mr. Speaker: Why doesn't the member ask the chairman of the committee concerned?

Mr. Roy: I've already discussed it with the chairman of the committee and I thought I should discuss it with you. You are the one who is supposed to protect my personal privilege.

Mr. Speaker: Through the committee system in this House.

BELLEVUE NURSING HOME

Ms. Gigantes: Mr. Speaker, I have a point of personal privilege, and I will try to keep it short.

On Tuesday last, in consideration of the estimates of the Ministry of Health in the social development committee, I was discussing Bellevue Residence in the riding of Carleton East and I said: "One former staff member is concerned because Bellevue has no evacuation plan in case of fire."

It has been forcefully brought to my attention by the Gloucester township fire department that Bellevue Residence does have an evacuation plan in case of fire. I wish to remove any implication that I was criticizing the Gloucester township fire department. My criticism is that an experienced, concerned member of the Bellevue staff did not know of such an evacuation plan.

STATEMENTS BY THE MINISTRY

SUPPLEMENTARY ESTIMATES

Hon. Mr. Auld: Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1978, and recommends them to the Legislative Assembly, Toronto, November 24, 1977.

ENERGY CONSERVATION

Hon. Mr. Drea: Mr. Speaker, I am pleased to inform the House that my ministry is setting a fine example in its achievements as a participant in this government's energy management program. Provincial correctional institutions achieved a 19 per cent reduction in energy usage during the first six months of 1977, in comparison with the same period in 1976.

Mr. Lewis: That was before you were minister.

Hon. Mr. Drea: The reduction is nearly double the target set for the previous year—10 per cent. It represents a cost avoidance and an energy saving of \$325,000. The Ministry of Correctional Services was 13th among Ontario ministries to receive funding for the energy management program and in that light our progress has been particularly outstanding. Energy saving methods were established and closely followed by the ministry with the help of expert counsel of private industry.

The moneys saved by energy consumption reductions will remain within the budgets of the individual institutions and thereby avoid some staff and program cutbacks which might otherwise have occurred.

Mr. S. Smith: Getting a small car, Frank?

CHRONIC HOME CARE

Hon. Mr. Timbrell: Mr. Speaker, this afternoon I am tabling a report on the evaluation of the pilot chronic home care program. Copies have already been deposited with the Clerk of the House.

Home care began in Ontario under the Toronto Board of Health in 1958, under the Victorian Order of Nurses in Ottawa in 1964, in Guelph in 1965, and in Hamilton, London and Windsor in 1966. Its original purpose was to reduce the demand for active treatment beds.

[2:15]

Guidelines developed in 1970 and refined in 1973 restricted home care to short-term active care. This was where rehabilitation was a realistic goal and where progress, as a result of nursing care, physiotherapy, occupational or speech therapy, could be expected.

In 1975, it was proposed that the effectiveness of extending home care into the chronic care sector be examined. Chronic home care, it was believed, could prevent or slow the physical and mental deterioration of the patient and ease the demand on all types of institutional beds. At the same time, it would save money, since home care is less expensive than institutional care.

In 1975, home care programs were extended into the chronic care sector in Kingston, Thunder Bay and Hamilton, with the understanding that these programs would be evaluated before further expansion was undertaken.

My ministry felt that before province-wide implementation of programs, existing programs should be evaluated to determine their value to the people they serve, and their cost-effectiveness. A study was undertaken beginning on October 1, 1975, and was only recently completed.

The results of the study indicate that chronic home care is more economical than institutional care on a per-patient basis. It also seems apparent that the program is meeting its major objective—easing or preventing further deterioration of the people it is helping.

However, the study was undertaken during a period of rapidly increasing use of the program, and for this reason the total cost implications, and particularly the impact on other parts of the health care system, could not be reliably estimated.

The costs of extending the program across the province would be very significant, of that I am certain. It is therefore crucial that the program develop in a planned and orderly fashion—that we know precisely how much a province-wide expansion could potentially cost.

It is equally important that we know the ultimate effect the program will have on the rest of the health care system. The program cannot be viewed as simply another addition to the system. It must be seen in the context of its objective—acting as a substitute for institutional care. The total impact cannot be fully anticipated against a rising case load.

The recommendations of the study are:

1. That the chronic home care program continue for another 18 months as it presently exists in Hamilton, Kingston and Thunder Bay;

2. That the more extensive evaluation now feasible due to stabilizing case load be carried out on the chronic home care programs for a 12-month period—allowing four months to prepare for the study and two months to prepare the report; and

3. That the home care information system be revised to provide patient-specific data and indicators of health status.

All three of these recommendations will be implemented. Moreover, to augment the evaluation and to expand services in an orderly fashion, I hope to extend this program further in the New Year.

In tabling this report I welcome the opinions of all concerned with this valuable alternative health care program.

ORAL QUESTIONS

INTERMEDIATE CAPACITY TRANSIT SYSTEM

Mr. S. Smith: Mr. Speaker, a question of the Minister of Transportation and Communications. When was the last time that the minister had a report on the intermediate capacity transit project of the UTDC near Kingston? Did that report indicate that vehicle size had increased to 40 feet, that the practicality of the steerable axle is in question due to severe metal stress, and finally and most important, that the linear induction motor upon which almost the entire rationale for this concept and system is based may have to be replaced by a more conventional rotary motor?

Hon. Mr. Snow: Mr. Speaker, I do get periodic reports with regard to the progress of the ICTS program being carried on by UTDC. I don't recall any report specifically giving me the information that the hon. Leader of the Opposition suggests.

Mr. S. Smith: By way of supplementary, considering that the ministry is planning to spend about \$55 million on this project, would the minister undertake to be brought up to date about what is happening there? And would he not agree that if the vehicle size increases, if the steerable axle is done away with, and if an ordinary motor is returned to this project, that basically he is spending \$55 million to reinvent the bus or the subway car?

Hon. Mr. Snow: No, Mr. Speaker, I don't accept that at all. My ministry does have a

monitoring group within the ministry that monitors the progress of the ICTS program and reports directly to my deputy minister. I do recall some discussions as to some possible change in vehicle size—a possible change because of design problems in fitting the necessary equipment within the vehicle; possibly they were going to enlarge the vehicle some amount. I do not recall the 40 foot figure that was mentioned at all and I don't recall receiving any report on the other items, but I'll certainly inquire.

Mr. Cunningham: I'm wondering if the minister would indicate how much money has been spent on this fiasco to date, and what is the source at the present time? If he is borrowing money, who is he borrowing it from and at what interest rate?

Hon. Mr. Snow: Mr. Speaker, I'll have to get a report from UTDC on the total expenditures to date. But money is being supplied to UTDC through the estimates and budget of my ministry.

Mr. Kerrio: Is there any jurisdiction where these articulated vehicles are in use, and have they been proven practical?

Hon. Mr. Snow: Mr. Speaker, I really don't know what the hon. member is referring to. The intermediate capacity transit system has nothing to do with an articulated vehicle. If the hon. member knows what an articulated vehicle is, then I'm sure he must know that there are many jurisdictions in which they are in use. There are articulated buses and there are articulated streetcars; they're in use in almost every country in Europe. I really don't see, Mr. Speaker, how this has any relation to the original question.

Mr. Cunningham: You answer the question, we will make the rules.

Hon. Mr. Snow: But we do plan within my ministry—and it's nothing to do with UTDC—on calling tenders some time within the next few months for the manufacture and supply of approximately 50 to 60 articulated bus units, which will be supplied to different transit systems throughout the province.

Mr. Cunningham: Supplementary: Am I correct in the assumption that the ministry is not borrowing money from the private sector at this time?

Hon. Mr. Snow: We are not.

Mr. Cunningham: I mean UTDC.

Hon. Mr. Snow: I'm not aware; I'll check into that. UTDC is a federally chartered, corporate structure which may or may not, from day to day during the normal business practices, be borrowing money from a chartered bank.

Mr. Cunningham: Mr. Speaker, could I draw the minister's attention to my original question? I wonder if he might favour me with a reply?

Hon. Mr. Snow: Mr. Speaker, I'm not aware of the question that he asked.

Mr. Cunningham: I asked the minister if he was borrowing money from a private institution, how much and at what rate?

Hon. Mr. Snow: Mr. Speaker, I cannot answer that question exactly today. I just say that UTDC is a corporate structure, separate from the ministry, of which the ministry is the sole shareholder on behalf of the province of Ontario. That corporate structure has its own officers and its board of directors and operates as a normal business corporation. I wonder if the hon. member has had some experience in doing business in this world. I would think people in his party might have a little; the other party probably has none. But I would expect that the hon. member might understand that a business like this would have normal banking arrangements.

Mr. Reid: Any normal corporation would be bankrupt.

Mr. Martel: The Liberals would rip everyone off.

Mr. Cunningham: Mr. Speaker, by way of final supplementary: As the person in charge of this fiasco, is the minister not aware where he is getting his money, or where that corporation is getting its money, and at what rate? As the minister in charge, is he not aware of that?

Mr. Lewis: The question has been asked.

Hon. Mr. Rhodes: Go ask the Mounties.

Mr. McClellan: I don't think we should repeat questions, do you?

Hon. Mr. Snow: Mr. Speaker, to the best of my knowledge and according to the last financial statement of the corporation, they had funds invested on short term investments and were not borrowing money from anyone. But things change from month to month as projects progress. As I stated before, money is being supplied through that ministry by the government through my estimates.

AID TO FLOOD VICTIMS

Mr. S. Smith: A question for the Premier, if I might: Does the Premier have some plan on behalf of the people of Ontario to be of assistance with regard to the present devastation that has occurred in the Indian sub-continent, in India in particular—the flooding

after the cyclone and so on? Can this Legislature and this province be of some assistance to the people of India at the time of this very grave devastation?

Hon. Mr. Davis: Mr. Speaker, there aren't any immediate plans. We have as a government, as the Leader of the Opposition knows, involved ourselves in the very unfortunate earthquake situation in Friuli some few months ago. I think that we also were involved, going by memory now, when there was a situation in Florence. We have not really expanded these policies to include every geographic area in the world. I don't minimize the devastation; the difficulty that has been created in that country, but the government has not at this moment considered any plans of financial help.

I think it is true also, and I'm going by memory again, there have been other situations where we've had a certain surplus of some agricultural commodities which, I think the province has provided through the Red Cross. There may be a situation here that could be explored, but I can't commit the government until I get some further understanding from those who might have some responsibility.

Mr. di Santo: Supplementary, Mr. Speaker: Should any request come from the Red Cross or any other international body, would this government be prepared to help those people who are in particular need, regardless of the present circumstances?

Hon. Mr. Davis: Mr. Speaker, I just referred to the Red Cross. I'm going completely from memory, but I think the Red Cross has made representation to us in other situations and if it has been possible for us we have met some of those requests. I would expect that if the Red Cross made some requests of us, if we were in a position to be of assistance quite obviously we would try. But I don't know that any such request has been received.

OIL TAX

Mr. Lewis: A question to the Premier initially: Can the Premier comment on the possible impact for Ontario of the Supreme Court decision disallowing the imposition of certain taxes and royalties by the province of Saskatchewan on the oil industry, particularly since the province of Ontario intervened at those hearings in support of Saskatchewan and the assertion of the provincial constitutional right?

Hon. Mr. Davis: Mr. Speaker, I can't tell the leader of the New Democratic Party in any legal sense. I can recall some very brief

discussions with the Premier of Saskatchewan as to what might emerge, depending on the results of that decision. I will ask the Attorney General (Mr. McMurtry) to convey to the House what would probably be a much better opinion than any that I might personally express.

Mr. Reid: He's zero for three. You might as well take a chance.

Hon. Mr. Davis: Oh, I'm no gambler when it comes to matters of this kind, but I will consult with the Attorney General and get an opinion for the leader of the NDP.

Mr. Lewis: May I ask, by way of supplementary, does the Premier know from the conversations he has had whether it places any existing resource tax policy in jeopardy?

Hon. Mr. Davis: I want to be very cautious. I don't believe so, but I would like really the indulgence of the hon. member—and I know he recognizes how complicated it is—that it doesn't create a problem for us in the sense of any of our tax policies. I don't believe it does, but we will make sure and we will inform the House.

NURSING HOMES

Mr. Lewis: A question of the Minister of Health: May I ask the minister how many prosecutions of nursing homes under the Nursing Home Act have been instituted by his ministry since 1972?

[2:30]

Hon. Mr. Timbrell: I'd have to get those figures. I gave some figures to the estimates committee yesterday indicating that there were 10 licence revocations since 1972; I don't recall the figure for prosecutions off hand but I'll get them for the hon. member.

Mr. Lewis: If I might ask a further question if the minister is getting the information. Can he indicate to the Legislature at that time how many prosecutions over violations of the Act there should have been, or might have been, based on the reports of his various inspectors as they inspected a number of nursing homes in Ontario? Is it true that, in fact, he has not proceeded very vigorously to implement the recommendations of a number of inspectors of nursing homes?

Hon. Mr. Timbrell: No, I don't believe that's true, Mr. Speaker. If one was to pull out the various reports for 1972, there are different inspectors there now. There is a different director of the branch. There is a different minister. We might reach a different conclusion than did those who were in the positions of responsibility at that time. But, certainly, I'm not aware of any such

decision, certainly not during my time, nor in the time before me.

Mr. Warner: Is it not true that there are inspection reports on file indicating that a violation of the Act had occurred by unlicensed nurses giving medication; that the same report also contained a recommendation for prosecution; and that those recommendations were never acted upon to date and those reports are still in the minister's custody?

Second, when will the minister release those reports and the others which we so desperately need in order to get to the bottom of this problem?

Hon. Mr. Timbrell: Mr. Speaker, if the hon. member would care to be specific in connection with the home or homes on which he thinks such a report or reports exist, I'll check that out. I'm certainly not aware of any such reports.

RADAR WARNING DEVICES

Mr. Roy: I ask this question of the Minister of Transportation and Communications in relation to amendments to the Highway Traffic Act. Why is he waiting to bring in amendments to the Highway Traffic Act pertaining to the outlawing of devices which are used to circumvent the police traps or radar equipment—the so-called Fuzzbusters? How long is he going to tolerate this in this province whereby instruments are sold which are clearly intended to contravene the law?

Hon. Mr. Snow: Not very long, Mr. Speaker.

Mr. Roy: A supplementary: In view of the fact that the minister has tolerated this for three or four years and that his colleague, the Solicitor General (Mr. MacBeth), said some time ago that he's considering legislation, what is he waiting for? Is there any relationship between the people who happen to sell these instruments, who are good Tories, and his apparent lack of haste in outlawing these instruments?

Hon. Mr. Snow: Mr. Speaker, I don't think there's any connection there whatsoever.

Mr. Foulds: There's no such thing as a good Tory.

Hon. Mr. Snow: My colleague the Solicitor General made a statement some time ago that he would be bringing in legislation that would outlaw these gadgets. I fully support that position and I expect that he will be doing so in the near future.

WHITBY PSYCHIATRIC HOSPITAL

Mr. Breaugh: Mr. Speaker, I'd like to ask a question of the Minister of Health. Yesterday at a picket line at Whitby Psychiatric Hospital protesting the cutbacks some allegations were made to me in the absence of the member for Durham West (Mr. Ashe) that under the new Correctional Services program, there were in fact prisoners from Whitby Jail now performing certain duties in, they specified, the laundry room there that had previously been performed by hospital employees. Can he confirm or deny those allegations?

Hon. Mr. Timbrell: No.

Mr. Breaugh: Would he investigate that then? While I'm on my feet, Mr. Speaker, may I take the opportunity to present, again in the absence of the member for Durham West, this petition from those employees to the minister?

RIDEAU REGIONAL CENTRE

Mr. Wiseman: I have a question of the Minister of Community and Social Services. Could the minister tell me if there is any truth to the rumours that are going around my riding regarding Rideau regional hospital school, and the fact that we may be contracting out the laundry, food and cleaning services of that institution—Rideau Regional Centre, Smiths Falls?

Hon. Mr. Norton: Mr. Speaker, I can assure the hon. member that at this point in time there has been no such decision. In fact there is no serious consideration being given to such proposals at this time.

USE OF INFLUENCE

Hon. Mr. McMurtry: Mr. Speaker, in the past week or so, the Leader of the Opposition and other members of the Legislature have asked certain questions relating to Mr. Arthur Armstrong and the possibility of a criminal prosecution. I have requested senior law officers of my ministry to conduct a complete review of this matter and the events relating to it which occurred in April and early May of 1975. I have today received a full report on the legal questions raised in this regard. Rather than take up the time of the House to read the report, I would like to table it and provide copies for the members opposite.

BRADLEY-GEORGETOWN HYDRO CORRIDOR

Mr. Reed: I have a question for the Minister of Energy. Now that the minister has

released his decision authorizing expropriation to proceed on the Bradley-Georgetown corridor, will he tell the House how he justifies three 500 kilovolt lines and two 230 kilovolt lines to run south from Bruce to Milton when the power that is demanded from that station is flowing into northern Ontario?

Hon. J. A. Taylor: Mr. Speaker, I will take that question as notice.

Mr. Reed: Could I have a supplementary to a non-answer, Mr. Speaker?

Mr. Speaker: You can try.

Mr. Foulds: All you get from this minister is non-answers.

Mr. Reed: Is it because the minister does not know the answer, or is it because he really does know the answer but is not prepared to reveal it to the House?

Hon. J. A. Taylor: Mr. Speaker, I said I would take that question as notice and that's precisely what I shall do.

Hon. Mr. Kerr: He knows it's loaded.

Mr. Lewis: If the Minister of Energy had been doing that in the last six weeks, he wouldn't have got into so much trouble.

ELLIOT LAKE URANIUM TAILINGS

Mr. Gaunt: Mr. Speaker, I have a question for the Minister of the Environment. Can the minister assure the House that the uranium tailings called pyrites, which when oxidized release sulphuric acid, are not causing an environmental problem in Elliot Lake?

Hon. Mr. Kerr: Mr. Speaker, as the hon. member knows there are hearings going on at Elliot Lake at the present time and both old and existing tailing areas are part of a control order that has been issued by my ministry. I would assume the retention of those tailings are done in a way that is safe and won't affect the surrounding waters—for example, Serpent River or Whiskey Lake.

Mr. Gaunt: Supplementary: Have the ministry officials been monitoring that situation on a regular basis?

Hon. Mr. Kerr: Yes, Mr. Speaker. Monitoring would occur as a result of a control order. I will have to get the information in respect to the hon. member's question, but there has been continuous monitoring.

Mr. Wildman: Supplementary: Is the minister aware of the complaints of the Serpent River band that they have not received adequate assistance in providing good water as a result of the pollution in Serpent River?

Hon. Mr. Kerr: As the hon. member knows, that reservation is under the jurisdiction of the federal government. I understand that the federal government has undertaken to dig wells in one or two places where there has been a problem of radiation—at radon 226 levels, I believe. I might also say that there's a difference in criteria between the province and the federal government that is causing problems. But I understand that the wells, as far as we are concerned—and our level is lower—are safe.

Mr. Wildman: A further supplementary: What attempts are being made to resolve that difference between the federal and provincial levels? Is the minister having meetings with the federal officials to resolve that and when does he expect a reply, or a resolution?

Hon. Mr. Kerr: The criteria for arriving at the levels are different. We use the levels that are used for occupational health—for example, for people who are exposed on a 24-hour basis to radiation. The federal government does not do that. It's a matter of resolving the figures, depending on the criteria we use.

ACTIONS OF POLICE AT BURLINGTON

Mr. Deans: I have a question of the Attorney General. Has the Attorney General, either at the behest of the Solicitor General or on his own initiative, requested that an investigation be carried out into the statements made by one Roy Murden, a former police officer with the Halton police force? This man has indicated in a public statement that he had taken part personally in a number of incidents involving brutality over the years that he was on the force, and had done some considerable physical harm to a number of citizens of Burlington. If the minister has not done so, will he?

Hon. Mr. McMurtry: I haven't. I am not aware of the statements that are attributed to the former police officer. I think this is a question that at this point in time should be directed to the Solicitor General.

Mr. Deans: Supplementary: Given that it was directed to the Solicitor General with the request that he broaden the investigation which had been requested by citizens of Burlington into the police force to include those previous incidents, and that to this point there has been no response to that, will the Attorney General on behalf of the public, as the chief law officer of the Crown, direct that an inquiry be undertaken into these particular statements and into the validity of them? This would determine whether or not what has

gone on has been brutalization of citizens by the police in Burlington, which has to be stopped, and whether or not it is a matter of practice.

Hon. Mr. McMurtry: Certainly I will undertake to inquire into the matter myself and to discuss it with the Solicitor General, who I see is absent. He is, I believe, at the opening today of the new Metropolitan Toronto Police College. That is as far as I am prepared to go at this time.

Mr. Deans: I hope they teach them better things there.

HOSPITAL SCANNERS

Mr. Baetz: I have a question of the Minister of Health. In view of the fact that the district health council of Ottawa-Carleton has now endorsed the installation of a full-body capacity scanner for the Ottawa Civic Hospital, may the people of Ottawa and the entire Ottawa Valley now expect an early ministerial approval to install this highly valuable equipment?

Mr. Foulds: No, no. It's taken Thunder Bay a year and a half.

Mr. Breaugh: Two bucks says he won't say no.

Hon. Mr. Timbrell: What odds are you giving?

Mr. Foulds: Ten to one—on a dime.

Hon. Mr. Timbrell: I understand that the district health council did meet early this week to consider priorities for the region of Ottawa-Carleton and that is one which they have either placed at the head of the list or certainly among the top priorities.

I haven't received from the council a formal indication of what those priorities are. I can assure the member, and through him the people of the Ottawa-Carleton region, that I will give it serious consideration in evaluating approvals for new programs for the coming year.

Mr. Makarchuk: Supplementary: Could the minister, while he is examining the whole procedure for purchasing the body scanners, also look into the request from the Toronto General Hospital for the same piece of equipment?

Hon. Mr. Timbrell: The hon. member knows the TGH already has a scanner—but not of the same kind, I agree. They already have a head scanner.

Mr. Makarchuk: But that's different.

Hon. Mr. Timbrell: I know it's different, I know. But the hon. member and the members of the House should realize that we already

have in place or approved in Ontario more scanners than the whole of the rest of the Dominion. While it may seem to some that we are perhaps proceeding slowly and cautiously, I think it is the prudent manner in which to approach the allocation of machinery which is only four or five years old at the most, is into about the fourth generation of technology, and the cost of which is anywhere from \$600,000 to \$750,000 for each machine, with operating costs of about \$250,000 a year. I think it behoves us to move cautiously and prudently in allocating such machinery.

Mr. Foulds: Final supplementary: While we're on this matter of scanners, has the minister sorted out the difficulties between Port Arthur General Hospital and the McKellar General Hospital and the Thunder Bay district health council with regard to the location of the scanner in Thunder Bay? If so, when will the minister be making the announcement of the commitment to locate one there, or has he already made that decision?

Hon. Mr. Timbrell: As the hon. member knows, while I have approved the allocation of a scanner for that area—very much with the support and encouragement of the member for Fort William (Mr. Hennessy)—I am relying on the district health council—

Mr. Foulds: And the member for Port Arthur, and the former member for Fort William.

Hon. Mr. Timbrell: With respect, I think I have heard from that member—if we're using ratios—about 10 to one in support of the need for such a facility in that community. I am relying on the district health councils to advise me as to whether it should be attached to the Port Arthur General with the cancer clinic or to the McKellar General Hospital with the neurology unit. I would hope to have that information as soon as possible. Quite frankly, it's taking much longer than I had hoped for.

OGOKI LODGE

Mr. Eakins: To the Minister of Culture and Recreation, Mr. Speaker. Will the minister indicate when Ogoki Wilderness Lodge will commence operations? Has it been determined whether it will ultimately become financially self-sustaining and meet its original objective of employing native people, or will it become another Minaki?

Hon. Mr. Welch: Mr. Speaker, if I can answer the questions in reverse, it certainly has been the subject of a management study. Certainly the emphasis is to be on native

people being employed and I'm very optimistic as to the future prospects of what I think is a pretty worthwhile project.

Mr. Reid: What about Minaki?

Mr. Eakins: Supplementary: Have costs skyrocketed from a 1974 estimate of somewhere around \$300,000 to something now over approximately \$1 million in September, 1977, although it is still not completed and will require substantial modifications? Will the minister table accounting records of funds spent to date by the Indian community secretariat?

Hon. Mr. Welch: There has been some acceleration of costs. My estimates will be before the standing committee on social development starting next Tuesday afternoon and at that time I certainly would be expected, I think, to provide the particulars to which the member has made reference.

Mr. Kerrio: Supplementary: Has the minister received an indication of the expected operating deficit of Ogoki Wilderness Lodge and has it been determined whether his ministry or the Ministry of Agriculture and Food will underwrite such anticipated losses?

Hon. Mr. Welch: I can't speak to the question of that report. I haven't got that information with me but I'd be very glad to have it available for my estimates.

Mr. Breithaupt: Supplementary: Given the fact that the limited company is apparently reluctant to commence operations without a government guarantee of underwriting, can the minister advise us in his estimates—if not now—who he foresees as the potential operators of this operation? Can he tell us also how the recruitment and training programs of native peoples in the Whitewater Lake area have developed and how many native people are expected to be employed?

Hon. Mr. Welch: I will have that available for my estimates.

BRIBERY CASE

Mr. di Santo: I have a question for the Attorney General. In the answer given to me by the Attorney General last Tuesday to my previous question, the Attorney General stated that in the case of Melvin Kurtz, it was "necessary in these cases to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one for a successful prosecution."

In the view of the fact that Melvin Kurtz, the briber, admitted to Judge Waisberg that he had received money from Marion Construction, and in view of the fact that the

principal of Marion Construction had stated, as is shown in the report on page 113, that bribery was—

Hon. Mr. Rhodes: Question!

Mr. di Santo: I am coming to the question.

Mr. Foulds: It's coming, it's coming. Don't worry, John.

Mr. di Santo: —acceptable only if it worked, could the Attorney General tell us why was it that the big shots got off the hook and the small fish got charged in this case?

Hon. Mr. McMurtry: With respect, I think I gave quite a complete answer on Tuesday to the member's question in relation to the charges that were laid. I have nothing further to add to the answer I gave at that time.

Mr. di Santo: I have a supplementary.

Mr. Speaker: How could you possibly have a supplementary when he said he has nothing further to add?

Mr. di Santo: Then to the previous question, Mr. Speaker. Can the Attorney General table the names of the people involved in these cases?

Hon. Mr. McMurtry: I repeat what I said a moment ago. I have nothing further to add to my answer given on Tuesday.

HYDRO CONTRACTS

Hon. J. A. Taylor: On Tuesday the Leader of the Opposition questioned the existence of schedules and cost estimates for Bruce heavy water plants which were cited in a letter from Ontario Hydro to Lummus Company of Canada on April 22 last.

Mr. Lewis: It wasn't asked by the Leader of the Opposition. It was asked by Harold Greer.

Mr. Roy: That sounds as if the member is getting jealous of our research.

Hon. Mr. Rhodes: You know what he did to Wintermeyer.

Hon. J. A. Taylor: The Leader of the Opposition asked if these documents did exist, whether I would table them in this House. While it may deter the Leader of the Opposition in his development of a further scenario for television performance, I want to confirm that the schedules and cost estimates do exist.

I am tabling herewith, Mr. Speaker, the following documents: Plant B commissioning schedule, dated April, 1977; master project schedule in regard to plant D, dated April 7, 1977; project cost summary for the period ending May 1, 1977, for plant B; and project cost summary for the period ending May 1,

1977, for plant D. These were the documents referred to and which the Leader of the Opposition doubted did exist.

Mr. Foulds: The minister's explanation is longer than the documents.

Hon. J. A. Taylor: I am pleased to table two further documents which he did not request, but which are germane to his question. These further documents are a project cost summary for period ending October 30, 1977, for plant B and a project cost summary for period ending October 30, 1977, for plant D.

If the Leader of the Opposition will compare the cost summaries he will find that the overrun on plants B and D have been kept on target—indeed, the overrun totals have been slightly reduced in the April through October period. This is verification that the Lummus Company has been meeting the cost targets on which Ontario Hydro conditioned the continuance of Lummus work after April 13 of this year.

Further, I would draw the attention of the Leader of the Opposition to the grand total figures. As of October 30, 1977, it is predicted that Lummus work on plant B will run approximately \$82.3 million more than the original cost estimate set in 1975, when allowance is made for some \$9.4 million in approved extras. Further, and in the same manner, the documentation shows that Lummus overrun on plant D will approximate \$62.3 million over the 1975 cost estimate, when approximately \$4 million in approved extras are allowed for.

Mr. Deans: Is that over or under the target?

Hon. J. A. Taylor: In short, the Lummus project cost summaries show that the overrun on Bruce heavy water plants B and D will total approximately \$143.6 million on original estimates totalling \$703,808,000.

Mr. Deans: That is like the Treasurer's budget. His budgetary overrun is right on target.

Mr. Riddell: What's a million dollars.

Hon. J. A. Taylor: This represents an escalation of 20.4 per cent, exclusive of \$13 million in approved extras which, in fact, would add another two per cent.

Mr. Roy: You seem to be proud of that.

Mr. Foulds: What are these extras?

Hon. J. A. Taylor: And further, I would like to assure the Leader of the Opposition that I would be pleased to explain the significance, purpose and role of the Bruce heavy water plants in Ontario's energy future.

Mr. Roy: When?

Hon. J. A. Taylor: The chairman of Hydro would be pleased to explain the details of the construction contracts to him, if the leader wishes to pursue the matter in the select committee at its forthcoming session.

Indeed, I would hope that the Leader of the Opposition would pursue in meaningful discussion before the select committee the many matters which he has discussed with such abandon and inaccuracy with the mass media during the past six weeks.

Mr. S. Smith: A supplementary to this response: Would the minister kindly put before himself the project cost summary, May 1, 1977, for B, and the project cost summary, October 3, 1977, for B? In so doing, would he kindly look at the overrun for material subcontract, labour and construction and recognize that they have gone up from approximately \$117 million to \$123 million, and that the reason the total at the very bottom of the page has stayed the same is that the portion marked "contingency" has apparently developed a positive balance of approximately \$6 million? What kind of contingency fund is it that runs up a sudden finding of \$6 million between May and October to make up for actual cost overruns in the field? Wasn't it padded in the first place?

Mr. Nixon: Just a little tin box he keeps there with petty cash in it.

Hon. J. A. Taylor: I'll take that observation as a statement on the part of the Leader of the Opposition.

Mr. Epp: Supplementary, Mr. Speaker. I would like to ask the minister how he can reconcile an overrun being on target?

Hon. J. A. Taylor: Mr. Speaker, I have tabled this additional information and I—

Mr. Nixon: Stand by it, come what may.

Hon. J. A. Taylor: As I have mentioned, I would invite all members to pursue this as thoroughly as they know how. I think that if the member would think a moment, he will understand that estimates were made some years ago in connection with the total cost of completion.

Mr. Roy: Why don't you plead the fifth amendment?

Hon. J. A. Taylor: It's very difficult to predict over a number of years precisely what your labour costs will be because, for example—

Mr. Foulds: It is only two years.

Hon. J. A. Taylor: —they do depend on negotiations and settlements—

Mr. Mancini: Plead insanity.

Hon. J. A. Taylor: —and there are factors such as that which, of course, cannot be predicted with a firmness that might be expected here. But I think the member will realize that it is a matter of the ongoing monitoring process that tries to update whether the predictions are onstream or not, and whether they fall short or, in fact, overrun those that were anticipated earlier.

Ms. Gigantes: Supplementary, Mr. Speaker: I would like to ask the minister if he would care to table the schedules that he speaks of for the year 1975? Those are the relevant ones, surely.

Hon. J. A. Taylor: Mr. Speaker, as I have indicated consistently over the past six weeks or so, I am delighted to table whatever information you wish.

Mr. Wildman: You are consistently delighted and we are consistently bewildered.

Hon. J. A. Taylor: I invite and continue to invite all members to let me know what they want in connection with these contracts and I would be delighted to see that they have it.

Ms. Gigantes: We would like that.

Mr. Roy: You sound more like a delivery boy than a minister.

Hon. J. A. Taylor: You sound like an ignoramus, and not only that, but you are accomplishing that image.

Mr. Roy: Will you bring me some papers tomorrow?

[3:00]

RICHMOND HILL GO TRANSIT SERVICE

Mr. Williams: With regard to the proposed Richmond Hill-Union Station GO Transit rail line, I have a three-part question for the Minister of Transportation and Communications:

First, could he indicate if in fact the scheduled opening for the spring of 1978 is indeed on schedule?

Second, could he indicate if any decision has been made by him with regard to the proposed rate increases to meet and offset increased operating costs as reported in the November 15 newsletter of the Toronto Area Transit Operating Authority?

Third, in that same document there is reference to the fact there is some difficulty being experienced with regard to renegotiating the GO Transit rail operating agreement with the CNR. I would like to know—

Mr. Speaker: Order, in the essence of saving time your third whereas wasn't a question.

Mr. Williams: —what progress is being made with regard to negotiating that agreement?

Mr. Lewis: You have a lot of audacity accusing us of interjection. Accuse us of indulgence.

Hon. Mr. Snow: Mr. Speaker, I'll try and recall all those questions. First of all, the infrastructure contracts for the track improvement and the station construction for the Richmond Hill line are in progress, on schedule and will be completed this winter. We do expect to implement the rail commuter service on the Richmond Hill line in the spring of 1978. It probably would be ready before that if rolling stock was available, but the new double-decker cars have to arrive to replace the single-decker cars. That will take place early in the new year.

With regard to the GO Transit fares, the Toronto Area Transit Operating Authority have made a recommendation for increased fares, but that has not been put before cabinet or approved yet.

In answer to the third question, the CNR contract is not finalized at this time.

OGOKI LODGE

Mr. Riddell: A question of the Minister of Agriculture and Food—I'm tempted to ask the minister what my chances are of being selected for the Agriculture Hall of Fame, but I won't do that.

Hon. B. Stephenson: Not good.

Mr. Foulds: Ask him what his chances are.

Mr. Riddell: I would like to ask the minister a question pertaining to Ogoki Wilderness Lodge. Has the minister received the audit of all funds expended on the Ogoki Wilderness Lodge for development and construction as prepared by the audit services branch of his ministry?

Hon. W. Newman: Mr. Speaker, that question should be redirected to the minister in charge of the Indian community secretariat which is now looking after that work.

Mr. Eakins: Oh no, it's through ARDA.

Mr. S. Smith: Through ARDA.

Hon. W. Newman: Oh, that's right. Are you talking about the audit?

Mr. Riddell: Yes.

Hon. W. Newman: The audit is being done by them, not by me.

Mr. Riddell: Supplementary, Mr. Speaker: Is it true that substantial ARDA funds were provided for the project and will the minister table a detailed audit?

Hon. W. Newman: Mr. Speaker, as far as the total cost of the project is concerned, 92 per cent of the costs were paid by the government of Canada.

Mr. Eakins: What about your participation?

Mr. Roy: What's yours?

Hon. W. Newman: About eight per cent.

AUTOMOBILE PURCHASES

Ms. Bryden: Mr. Speaker, I have a question for the Minister of Transportation and Communications. On October 20, the minister tabled a reply to a question relating to the purchase of automobiles for ministers and deputy ministers—which, incidentally, showed one purchase was \$9,749.

Mr. Roy: Who would that be?

Ms. Bryden: Is the minister considering revising the request-to-purchase form, which he also tabled, so as to restrict automobile purchases to energy saving models, compact and small models—

Mr. Roy: Hey, the Minister of Industry and Tourism should listen to this.

Ms. Bryden: —and to limit the number of options which the government will pay for in this time of restraint?

Hon. Mr. Snow: Mr. Speaker, any change in such standards would be by way of a change in the manual of administration from the Management Board, and whatever the manual of administration would set down would be our guideline for purchasing.

Ms. Bryden: May I then ask the Chairman of Management Board is he planning to revise this request-to-purchase form in order to bring in a restriction on the gas guzzlers?

Hon. Mr. Auld: We're always looking at the items in the manual of administration.

Mr. Lewis: A Volkswagen is good enough for my successor.

Hon. B. Stephenson: Volkswagens are not manufactured in Canada.

Mr. Wildman: Supplementary: Would the Chairman of Management Board be prepared to arbitrate between the Minister of Education (Mr. Wells) and the Minister of Industry and Tourism (Mr. Bennett) so that we could lower the cost somehow for the Minister of Industry and Tourism on the same car as the Minister of Education purchased?

Hon. Mr. Bennett: It has better resale value.

Hon. Mr. Auld: No, Mr. Speaker.

HOME IMPROVEMENT CONTRACTORS

Mr. B. Newman: I have a question of the Minister of Consumer and Commercial Relations. In the light of numerous complaints in many municipalities concerning shoddy workmanship and non-completion of work in the construction industry, is the minister considering bonding and registration of all home improvement contractors as itinerant sellers under the Consumer Protection Act?

Hon. Mr. Grossman: Under the Act, a lot of itinerant sellers are required to register. The problem has always been the ability to find them, to police the Act and follow it through.

It's an area that causes us some concern. We're currently reviewing it, though we are not about to report back next week, to see just where we go in the area in terms of an effective system. We don't want to go with a system which requires registration if it's going to be meaningless.

We'd be happy to receive any suggestions the member may have with regard to a meaningful way to look after that problem.

PIPE PRODUCTION

Mr. Swart: I'd like to direct a question to the Minister of Industry and Tourism. Does the minister still hold to his recent damaging statement that, and I quote, "Some of the technology is not in place in the Ontario pipe industry," and that Ontario companies therefore may not be able to supply the pipe for the proposed Alaska Highway pipeline?

Hon. Mr. Bennett: You will recall, Mr. Speaker, back a week or so ago when the question was asked, I was very clear in saying that some of the technology was not in place in this country at this time.

Mr. Wildman: But isn't Algoma getting it ready?

Hon. Mr. Bennett: Just one second. It was clearly indicated by the president of Stelco and several other companies that they concurred with that very observation, but they also said, exactly as I said in this House, that it could be brought into production. The system could be implemented in the Canadian system in a relatively short period of time but it is not here at the moment.

The other point I raised was about the lack of technology and understanding, both in Canada and the United States, of a high-pressure system to carry the product that is being designed to be carried in the pipeline. That has not been carried out. That is why Mr. Horner and the federal government have

been negotiating for the larger pipe with a reduced pressure factor.

Mr. Swart: Supplementary: Does the minister know that Peter Gordon, the chairman and chief executive officer of Stelco, expressed concern at a press conference in Welland yesterday about persons falsely stating that the pipe couldn't be produced there. He said, and I quote, "We can produce pipe that no other company in North America can produce. There is no question that we can meet the requirements for the transmission of frontier gas." Does the minister dispute his statement?

Hon. B. Stephenson: That's exactly what the minister said.

Hon. Mr. Bennett: I think Mr. Gordon is stating a fact in relationship to certain specifications that could very well be brought in.

Mr. Swart: No, he is not. He made that clear.

Mr. Wildman: Resign.

Mr. Warner: Is that a misunderstanding?

Hon. Mr. Bennett: I don't know whether it's a misunderstanding or not. I want to make it very clear here.

Mr. Speaker: Please ignore the interjections.

Hon. Mr. Bennett: There is some relevance to the interjections because it would be best to clear up their lack of understanding.

Mr. Swart: Read his statement.

Hon. Mr. Bennett: Very clearly, and it's been a known fact—

Mr. Foulds: You are in trouble on this one.

Mr. Germa: Go back to insurance.

Mr. Speaker: I ask the minister to ignore the interjections and answer the question.

Hon. Mr. Bennett: In reply to the question, I say again the fact remains from the federal point of view, and from our point of view and in discussions with Stelco, including Mr. Gordon, the possibilities of the high-pressure pipe have been reviewed. It is not a system they are prepared to undertake at this time because of the lack of technology and experience.

The other pipe system, which has been discussed very thoroughly with Mr. Horner and others, is the one that we feel that Canadians, generally speaking, are capable of producing.

Mr. Swart: Check with the union and read his statement yesterday.

Mr. Warner: Check it out with your barber and then resign.

Hon. Mr. Rhodes: I think the hon. member opposite has been on the pipe too long.

Hon. B. Stephenson: Beyond the pipe.

Mr. Kerrio: Is the minister aware of the fact that the large lobbies in the US are attempting to get the pipe specification changed, to disadvantage us in Canada and to have a better chance of landing the total contract?

Hon. Mr. Bennett: Mr. Speaker, as the Premier said the other day in response to a similar question, it would be unbelievable for us as Canadians to sit here and believe the Americans and their steel industry, which is depressed at the moment, would not be out trying to secure orders in this Canadian market or anywhere else in the world.

The fact remains that we have been as competitive, from a Canadian point of view, as anyone. We've had discussions and committees established, both federally and provincially, to review the essential requirements of the six companies that will install the pipeline here in the Canadian portion of the contract.

Mr. Kerrio: How about Alberta?

Hon. Mr. Bennett: There's also the possibility, and we may as well be honest with that, that the Alberta firm as well will be out trying to seek a portion of the supply of pipe for the system.

Mr. Martel: Run them across Canada.

Hon. Mr. Bennett: We have had assurance from people with the Foothills Pipeline organization, both publicly and in discussion with them federally and provincially, that we in Canada will be given the opportunity of quoting and participating and likely supplying a very substantial portion of the equipment needed, including pipe, valves and other portions of the pipeline requirement. We'll be able to tender on it.

I think it would be unrealistic to believe that the Canadians are going to be given a *carte blanche* position in quoting; they have said, "If they were competitive." We have that position. We'll keep a very close eye on what happens with other countries in their bids in the pipeline system.

The member for Niagara Falls has said once before in my estimates something about subsidies coming through special tariff programs or give-away programs of the US government. We will monitor those to make sure that they do not become applicable in the quoting system in pipe for this pipeline.

GARFELLA INVESTMENTS

Hon. Mr. McMurtry: Mr. Speaker, this is in response to a question from the member for Etobicoke in relation to the operations

of a certain firm known as Garfella Investments.

I've had the material submitted to me reviewed extensively; it was submitted to me by the member for Etobicoke, and it was reviewed extensively by law officers of the Crown. It appears that at the present time there is no breach of the Landlord and Tenant Act as the tenants have been advised that their respective tenancies will not be disturbed.

However, the scheme in question is being used as an alternative to the Condominium Act for the sale of residential accommodation. Law officers from my ministry, the Ministry of Housing and the Ministry of Consumer and Commercial Relations have made a tentative suggestion that the Condominium Act be amended to ensure that such sales are made in accordance with that Act.

Mr. Philip: The minister's announcement is very much appreciated.

I have a supplementary: I wonder if the minister is aware that two employees of N.S. Mitro Real Estate, namely a Mrs. Holden—I don't have the first name—and also an Alice Constantino are advising purchasers of the shares in this building that they can evict the tenants on 90 days' notice following the purchase of shares in that particular building? Would the minister look into the possibility that this real estate firm is violating the Combines Act by way of misrepresenting what they're selling to the potential purchasers of shares?

Hon. Mr. McMurtry: If the facts support the information that the hon. member has, it would also appear to be a matter of encouraging a breach of the Landlord and Tenant Act, because in my understanding of the legislation it would be impossible to legally evict individuals on that basis. If the hon. member could provide us with as much information as he can on this, we'd be happy to pursue that aspect of the matter further.

Mr. Philip: I will be providing the minister with affidavits tomorrow, then.

Mr. Foulds: I wonder if the minister can tell us how soon we can expect that amendment to the Condominium Act, inasmuch as it was promised last January by the then parliamentary assistant to the Minister of Consumer and Commercial Relations with regard to a similar situation with Waverley Park Towers in Thunder Bay?

[3:15]

Hon. Mr. McMurtry: I have no knowledge of that particular matter but I would think that the Minister of Consumer and Commer-

cial Relations might be asked. He is well aware of the situation and I think the question as to when such an amendment is likely to be introduced should be more properly directed to him.

USE OF INFLUENCE

Mr. S. Smith: A question for the Attorney General, following his tabling of a previous response on the Armstrong matter: Can the Attorney General tell the House whether the opinions which his law officers have formulated in this instance were formulated with or without the benefit of having heard certain tape recordings of a conversation between the counsel for the Mississauga inquiry and a Mr. Armstrong? Was this opinion formulated with or without the benefit of having heard that particular piece of evidence?

Hon. Mr. McMurtry: I am afraid, Mr. Speaker, I am unable to answer that question. I think it's likely that the opinion was formulated without that information, but I can't be certain of that. I just don't know at this point in time.

Mr. S. Smith: A supplementary, if I might. I realize we are running out of time and you are kind to allow me to do this, Mr. Speaker. When the Attorney General is getting this information, would he also undertake to table in this House the OMB file on the Jan Davies application in question and also any correspondence between the hon. Treasurer (Mr. McKeough) and Mr. Armstrong pertaining to the entire matter in question?

Hon. Mr. McMurtry: I would have to ascertain just what is available from the OMB. I think the matter of the correspondence involving the Treasurer was handed over to the Ontario Provincial Police and that may well be available. But I would like to ascertain that first before making any undertaking.

Mr. Roy: Supplementary?

Mr. Speaker: We only have time for one more question and in fairness I think we should recognize the hon. member for Carleton East.

BRITISH AMERICAN BANK NOTE COMPANY

Ms. Gigantes: A question for the Minister of Labour: In connection with the strike going on in Ottawa at the British American Bank Note Company by the Ottawa Steel Plate Examiners Union, will the minister

personally initiate action or have action initiated by officials of her ministry, so that the management will drop its position that it's normal for women to be paid less than men for work done by women which is of a similar and/or more skilled nature than men are doing in the same firm?

Hon. B. Stephenson: Mr. Speaker, if indeed that is the position of the British American Bank Note Company, it is in contravention of the equal pay law in the province of Ontario. That law states that in any establishment where work of similar nature or equal nature is done by men and women, the rates of pay will be the same.

REPORTS

MINISTRY OF THE ENVIRONMENT

Hon. Mr. Kerr presented the annual report of the Ministry of the Environment for the fiscal year beginning April 1, 1976, and ending March 31, 1977.

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill without amendment:

Bill Pr2, An Act respecting the Township of Dover.

Your committee begs to report the following bills with certain amendments:

Bill Pr28, An Act respecting the City of Hamilton.

Bill Pr30, An Act respecting the City of Chatham.

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Office of the Lieutenant Governor be granted Her Majesty for the fiscal year ending March 31, 1978:

Office of the Lieutenant Governor program	100,000
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Further resolved: That supply in the following amount to defray the expenses of the Office of the Premier be granted Her Majesty for the fiscal year ending March 31, 1978:

Office of the Premier program .. \$1,478,000

Further resolved: That supply in the following amount to defray the expenses of the Cabinet Office be granted Her Majesty for the fiscal year ending March 31, 1978:

Cabinet Office program \$1,077,000

MOTIONS

TRANSFER OF ESTIMATES

Hon. Mr. Welch moved that the estimates of the Ministry of Transportation and Communications be transferred from the standing resources development committee to the standing general government committee for consideration not to exceed 25 hours;

And that the following estimates be transferred from the committee of supply to the standing administration of justice committee, namely: Ministry of Correctional Services, not to exceed 12 hours; Justice policy secretariat, not to exceed 10 hours;

And further, that the supplementary estimates for the Ministry of Culture and Recreation be referred to the standing social development committee for consideration within the time already allotted for that ministry.

Motion agreed to.

SELECT COMMITTEE ON HYDRO NUCLEAR PLANT CONSTRUCTION PROGRAM

Hon. Mr. Welch moved that a select committee of the Legislature be appointed:

First, to inquire into the cost of construction of the two heavy water plants being built by Ontario Hydro at the Bruce nuclear power development and to report to the Legislature on all factors affecting cost, such examination to include but not be limited to:

(a) The requirements for heavy water, the original estimates of the cost of the plants and the contracts signed with the Lummus Company of Canada for the construction of the plants, and the conditions placed on the contracts for Canadian content;

(b) The change in the scope of the work required due to changes in plant design after the original estimates were completed;

(c) The effect on the total cost of the plants and their construction schedule due to the cancellation of the fourth plant known as plant C;

(d) The factors affecting any additional costs incurred by the contractor and Hydro for the supply of major equipment, structural components or other supply items;

(e) The factors affecting escalation of sub-contracts placed by the contractor or Hydro

for work related to the construction of the plants;

(f) The factors affecting labour costs for construction of the plants including escalation of labour rates, work stoppages, union jurisdictional disputes, and the shortage of any labour skills required for construction;

(g) The effect of interest rates and foreign exchange rates on the overall costs of construction;

(h) The administration of the contract by Hydro and the control methods used to monitor and minimize the costs;

and to prepare and submit a report for the Legislature upon the conclusion of this inquiry.

Second, to review the implementation of the recommendations of the select committee of the 30th Parliament which examined Ontario Hydro's proposals for both power rate increases for 1976, such review to include consideration of Ontario Hydro's status reports tabled by the Ministry of Energy.

Third, to examine Ontario's nuclear commitment, taking into account the report and recommendations of the royal commission on electrical power planning and Ontario's energy future, such examination to include but not be limited to:

(a) Ontario Hydro's system planning strategy for adopting nuclear power, and in particular:

Large versus small generating stations, remote stations versus sites close to urban areas;

the ratio of nuclear-fueled generating stations that should be built in comparison to fossil-fueled stations, keeping in mind security of supply and cost differentials;

(b) The economics of nuclear power versus generation from other primary fuels;

(c) The performance and reliability of nuclear generating stations;

(d) The responsibility for and the standards relative to the safety of nuclear generating stations;

(e) Environmental impact and health considerations related to nuclear power.

And that the select committee may prepare and submit interim reports for the Legislature and shall prepare and submit a final report before the end of December 1978, and that the select committee may request such coverage of its proceedings by Hansard and the printing of such papers as the committee deems appropriate; and the committee shall have authority to sit during the interval between sessions and have full power and authority to employ counsel and such other personnel as may be deemed advisable and to call for persons, papers and things, and

to examine witnesses under oath and the assembly doth command and compel attendance before the said select committee of such persons and the production of such papers and things as the committee may deem necessary for any of its proceedings and deliberations, for which the Honourable Speaker may issue his warrant or warrants; and the committee shall be composed of 14 members as follows: Messrs. MacDonald, chairman; Ashe, Foulds, Ms. Gigantes, Haggerty, Handleman, Jones, Kerrio, Lane, Leluk, Nixon, Reed, Samis, Williams.

Mr. MacDonald: May I just give notice to members of the committee, to show this is a rather urgent matter, they will be meeting at 6 o'clock tonight in committee room No. 2, with a buffet supper.

Mr. Breithaupt: That is indeed organization.

Mr. Lewis: If it had been a Liberal chairman it would be at La Scala.

Mr. Breithaupt: If it were a Liberal chairman it would be down in the dining room.

Mr. Speaker, we congratulate the government House leader for bringing forward what we see as a very involved and general set of terms that should be easily attended to. There was only one point I wish to raise, and that is with respect to the management, handling and disposal of nuclear waste. I just want the assurance of the government, House leader that, either with respect to that last item (d) in the third part, concerning safety of generating stations, or in the final area of environmental impact and health considerations, there will be an acknowledgement that that subject likely could be seen to be included.

Hon. Mr. Welch: I feel, Mr. Speaker, that the committee could decide on that.

Motion agreed to.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, I'd like to give notice that I was not satisfied with the disappointing answer of the Attorney General (Mr. McMurtry) and I'd like to debate it tonight.

OHIP OFFICE CLOSURE

Mr. Speaker: Pursuant to standing order 28, the member for Windsor-Riverside (Mr. Cooke) filed the necessary notice to raise a matter at the adjournment of the House. The question was addressed to the Minister of Health (Mr. Timbrell) on November 15, and with the agreement of both parties the debate

was stayed until today, which is November 24. This matter will be debated this evening at 10:30 p.m., along with the matter raised just now by the member for Downsview, who is dissatisfied with the answer given to him by the Attorney General. So those two will be debated on the late show this evening.

INTRODUCTION OF BILLS

PLANNING AMENDMENT ACT

Hon. Mr. Rhodes moved first reading of Bill 110, An Act to amend the Planning Act.

Motion agreed to.

Hon. Mr. Rhodes: Mr. Speaker, the three amendments to the Planning Act which are placed before you today have the objective of speeding up the approval system under the Act while increasing the importance of locally made decisions concerning development proposals.

The first amendment concerns local municipal zoning by-laws. The amendment removes the threat of legal challenges as to the conformity of zoning bylaws which have been advertised according to regulations, received no objections and come into force without the approval of the Ontario Municipal Board.

My ministry will shortly issue the required regulations which will be based largely upon the current rules of procedure of the Ontario Municipal Board.

The second amendment provides a means of removing frivolous appeals to the Ontario Municipal Board on consent and minor zoning variance decisions of local committees.

The third amendment concerns appeals to cabinet over local decisions on consents and minor zoning variances.

It is my view these three amendments will significantly improve the planning process and will speed up the process in the province.

[3:30]

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Before the orders of the day, I wish to table answers to questions 37, 39 and 40 standing on the order paper. (See appendix, page 2224.)

We will be calling the ninth order, Mr. Speaker, and when doing so, may I indicate to you, and through you to the House, that the whips have generally arranged the debate on Bill 70 and the reasoned amendment which will no doubt be introduced during the course of that debate in such a way that we plan a division tonight around 10:15 p.m.

Mr. Speaker: With a 30-minute maximum bell?

Hon. Mr. Welch: I suppose if there is to be a bell we had better start ringing it at 10 o'clock. Do the whips agree to that? Of course I suppose that is a maximum bell, we could agree to have a 15-minute bell. I think that is the agreement, that we have a 15-minute bell at 10:15 p.m.

Mr. Breithaupt: Agreed.

ORDERS OF THE DAY

OCCUPATIONAL HEALTH AND SAFETY ACT

Hon. B. Stephenson moved second reading of Bill 70, An Act respecting the Occupational Health and Occupational Safety of Workers.

Mr. O'Neil: Thank you very much, Mr. Speaker. We consider Bill 70 to be one of the most important legislation for working people to be brought before the Legislature in many years.

In the last two years particularly, our leader, the member for Hamilton West (Mr. S. Smith), and the Liberal caucus have consistently challenged the government's inaction in the area of occupational health and safety. We have been pleased to discuss this matter with labour organizations, management groups, industry people and experts in the health field. The Liberals will be suggesting a number of major amendments to strengthen the legislation to better protect every employee in the province. The amendments will not involve the expenditure of additional public funds or endanger the employment of a single worker.

Providing the minister demonstrates a flexible attitude in her remarks on second reading, we will not block the bill at this stage. We feel amending the bill now before us is a more constructive and responsible approach than that suggested by the NDP. In referring to their suggestion that the bill be passed back to the government, we feel it is better we put it before the Legislature now and have it go to committee.

I would first of all like to make some comments regarding coverage. Coverage under Bill 70 continues to be restricted to certain places of employment rather than including all employees. The minister has discretion to include or exclude work places from the legislation at her discretion; I refer members to section 3(1)(e) and section 3(2)(b). Thousands of workers in the province will likely continue to be excluded because of the high degree of ministerial discretion. Hotel and

hospital workers; inside and outside municipal workers; teachers and support staffs in schools, colleges and universities; farm workers; staffs of such provincial institutions as psychiatric hospitals, mental retardation centres and correctional facilities; and workers in medical laboratories—all continue to be excluded by this legislation. Many members of these groups are exposed to hazardous substances such as pesticides and laboratory chemicals, as well as dangerous work practices.

I would like to read into the record, if I may, some of the statistics supplied in a brief presented to our members by the Ontario Public Service Employees Union. Among their members who were excluded from the legislation are: some 9,000 employees of government-run psychiatric hospitals; 4,000 employees of governmental retardation centres; 10,000 employees in Ontario community colleges; and 3,000 employees in Ontario correctional institutions. The only exception to this is the coverage of laundry workers in some facilities under the Industrial Safety Act. All others are in fact excluded from coverage under the Industrial Safety Act because their work places do not fit the definition of a work place covered by the Act.

I would also like to read into the record, if I may, that in the institutions operated by the Ministries of Health and Community and Social Services an equally dismal record exists as to the accident rate. In the St. Lawrence Regional Centre, which employs some 55 OPSEU members, 275 days were lost during the period 1975 to 1977 due to work-related injuries. In the Rideau Regional Centre, Smiths Falls, in 1975, 3,600 days were lost by OPSEU members due to 561 work-related injuries and 238 assault-related injuries. In 1976, a total of 777 incidents occurred, 225 which were assault-related and incidents which resulted in 3,697 days lost by OPSEU members.

In the Kingston Psychiatric Hospital in 1976, 612 days were lost by OPSEU members due to work-related injuries. This year up until March 31, 1977, 401 days were lost due to work-related injuries. We could go on to the Lakeshore Psychiatric Hospital where in 1975 at this facility there were 829.5 days lost by OPSEU members because of work-related injuries. In January, February and March 1976—during those three months—86 work-related injuries occurred, which resulted in 502.5 days being lost by OPSEU members.

This clearly shows that this is one segment of many we mentioned that should be covered. I feel that at the time when this

comes to committee the minister should seriously consider the inclusion of these different sections in the bill.

As I mentioned, coverage for farm workers is excluded under the bill. I know it is difficult to obtain statistics on the extent of work-related farm accidents. The minister herself has stated that accidental death on the approximately 25 per cent of Ontario farms covered by the Workmen's Compensation Board increased from 34 in 1975 to 45 in 1976, while the number of lost-time accidents decreased.

Some American authorities have suggested that farming has the third highest accident rate of any occupation, exceeded only by the mining and construction industry.

While there are clearly occupational health hazards in the agricultural community, we also recognize that special circumstances exist in the agricultural community with respect to weather conditions, seasonal nature of work, long hours during peak periods and machinery and equipment designed and manufactured to different standards for agricultural rather than other uses. For example, we understand that the detailed regulations now in effect for industrial machinery and equipment simply do not exist for the agricultural sector.

We note that the minister promised on January 18, 1977 to appoint an agricultural representative to the advisory council on occupational health and safety. She did not do so until the past few days when Mr. Peter Fisher was belatedly appointed. Almost a year has been lost in this delay.

In their joint briefs to the minister, the Ontario Federation of Agriculture, the Ontario Farm Safety Association and the Ontario Fruit and Vegetable Growers Association generally supported an extension of health and safety legislation to agriculture, provided that it is developed by the Minister of Labour in consultation with the agricultural advisory committee. This is contained in their joint briefs of August 1970, page 2.

We commend these organizations on their enlightened approach and urge the minister to take a more active role in encouraging the development of suitable regulations covering such working conditions as roll-over protection for tractors, guarding and shielding of farm equipment and personal protection equipment. While we realize that it will take some time to develop regulations suitable for the farming community, we feel that the minister should be willing to commit herself this time to a specific timetable for the drafting of such regulations and the protection of agricultural workers by occupational health and safety regulations.

The minister stated in the Legislature on October 18 that dispassionate consideration has convinced the government that expansion of coverage of the legislation would be inappropriate at this time. What more logical time is there to consider the expansion of coverage than in the introduction of supposedly comprehensive legislation on this subject? Surely the minister would be prepared to have the question of expanded coverage either of additional groups of employees or more simply and perhaps preferably, of the inclusion of all employees considered at the committee stage of this bill.

I would also like to say a few words regarding standards for toxic substances. There are absolutely no standards for toxic substances whatsoever set out in the bill. The Lieutenant Governor in Council may make regulations on a wide variety of subjects, including, "Prescribing any biological, chemical or physical agent or combination thereof as a designated substance"; section 39(2)22. I quote again: "Prohibiting, regulating, restricting and limiting or controlling the handling of, exposure to, or the use of, or disposal of designated substances"; section 39(2)23.

I quote again: "adopting by reference any criteria or guide in relation to the exposure of a worker to any biological chemical or physical agent or a combination thereof." But there is no indication whatever in the legislation of what criteria or guidelines are to be adopted.

Many scientific groups have done extensive research into the airborne concentrations of substances and conditions to which workers may be exposed day after day without adverse affects. For example, the American Conference of Governmental Industrial Hygienists, which had a Canadian, Dr. Mastromatteo, as a consultant, has compiled a list of approximately 400 toxic substances and set out exposure standards, both with respect to the average concentration for a 40-hour week and for the maximum exposure permissible for a short-term period. Yet the extensive work of the American conference in establishing threshold limit values for over 400 substances could be entirely ignored by the Minister of Labour.

Hon. B. Stephenson: That's what we use now.

Mr. O'Neil: We feel that the province of Ontario should adopt standards at least as effective as the threshold limit value standards for all substances for which threshold limit values standards have been adopted.

At a very minimum the legislation should set out specifically that in adapting standards dealing with materials or harmful physi-

cal agents the standards should be adopted which most adequately assure to the extent feasible that no employee will suffer material impairment of health or functional capacity, even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life.

How are these standards to be set? Under the proposed legislation entirely at the discretion of the minister behind closed doors. We propose that employees, employers and independent experts should have a voice in establishing these standards. One possible mechanism for establishing standards might be the advisory council on occupational health and occupational safety to be established under section 10 of the bill.

The Minister of Labour named the 16 members, and as I mentioned it is now 17 following the inclusion of a representative for agriculture on this committee on November 14. This advisory council, including representatives of employees and employers, might serve a useful role in setting standards providing that its membership were representative of all employees and employers, non-unionized as well as unionized, and small as well as large employers.

We also notice, in looking over the list of people who have been appointed to this advisory council, that there seemed to be no one representing some of the smaller companies and worker groups. They all seemed to be from larger corporations or larger unions. We wondered if we could have some comments from the minister concerning this.

In a number of other jurisdictions, industrial health and safety standards are set openly by public bodies and we feel the minister should follow this example in Ontario. The legislation sets out a distinction between designated toxic substances, section 39(2)22, and other toxic substances for which the minister suggested in her introductory statement that guidelines be enacted. It is unclear from the legislation what sort of regulations will be enacted with respect to either category of toxic substances.

Perhaps more important is how will these regulations be communicated to workers on the job site. In our view the legislation should require that a notice containing pertinent information on general occupational health and safety legislation and notice of particular harmful substances be made available to every employee. This is done in some of the California legislation on health and safety.

[3:45]

We are concerned that the bill makes no provision for the introduction of a pretesting

program for new substances introduced in the work place which are suspected of being harmful, and we will be proposing amendments to section 15 of the bill accordingly. The federal food and drug directorate provides such protection with respect to food and drugs. We feel that there is no reason that workers should receive less protection.

We understand also that the environmental protection agency in the United States has recently begun a program of pretesting of all substances that find their way into the environment. They are apparently giving priority to these substances with the greatest potential for causing harm, particularly those which may cause cancer. They are utilizing new medical techniques developed by Dr. Ames of the University of California. Surely the government of Ontario could co-operate with other agencies involved in testing new substances, perhaps dividing up the substances to be tested in order that pretesting could be done in an expeditious and efficient manner.

We have had preliminary discussions with representatives of employers' groups as well as employees on this subject. They're naturally concerned about possible production hold-ups and loss of competitive advantages. They are not unilaterally opposed to the concept of pretesting providing that delays are reduced to the minimum possible period.

In our view, this bill is lacking with respect to the involvement of both employers and employees in achieving high standards of health and safety at work. Under Bill 139, the minister was empowered to establish health and safety committees, composed of an equal number of employee and employer representatives, and to appoint worker safety representatives. To our knowledge, the minister has not appointed a single such committee or representative. We feel that such committees are particularly important for non-union employees, who may have no other effective channel of communications with their employer. We feel that the powers of health and safety committees and worker safety representatives are unclear and inadequate as set out in section 7(4) and section 8(5) of the proposed bill. We feel that these groups should have access to both information and training from the occupational health and safety division of the ministry or other sources. Thus there would be more reliance on accurate on-site monitoring and less reliance on inspection from the Ministry of Labour.

In some cases, on-site discussions, inspections and recommendations may not be suffi-

cient. Perhaps there should be some mechanism linking the role of the joint committees and safety representatives with the activities of the ministry. In the event that an employer refuses to accept the recommendations of a joint committee or a safety representative, perhaps an inspection from the Ministry of Labour within a short time, perhaps three days, could be made obligatory.

Also, on the right to refuse work the minister in her introductory statement stated that she was clarifying the right to refuse work. In our view, the new legislation is less satisfactory than the provisions of Bill 139 in this regard. Under the provisions of Bill 139, section 3(1), the employee has the opportunity to refuse work and then report this matter to his employer in the presence of either the health and safety representative, a committee member who represents employees or a representative of the trade union. The important evidentiary and physiological benefit to an employee of discussing this matter of first instance while accompanied by someone else, appears to have been dropped in section 21 of the new bill. We consider this a retrogressive step rather than a clarification.

The rights of an employer to assign another worker to work which another employee has rejected as unsafe, is also left unclear by the section. Should the employer not be required to at least advise the employee of the refusal of previous employee?

Section 21(9)(b) also appears unclear in the extreme and possibly open to employer abuse. It states that during an inspection of an alleged unsafe work place, a worker shall remain at a safe place near his work station unless the employer, "where an assignment of reasonable alternative work is not practicable, gives other directions to the worker." What sort of "other directions" does the minister have in mind? Suppose the worker is told to go home without pay. Is that the sort of "other direction" permitted by the legislation?

Section 21(11) of the proposed bill has caused a great deal of concern to employees of this province, although some employers have argued that the inclusion of this provision marks no substantive change from Bill 139 where the employer had the same rights by implication.

The minister has provided statistics which indicated that the right to refuse unsafe work was exercised in only a relatively small number of cases in the year since the introduction of Bill 139, and in only a small percentage of cases was it exercised without reason.

Secondly, virtually all unionized employers have a management right's clause in their collective agreement which permits them to discharge or discipline employees for just cause. For these reasons, we do not understand any compelling reason for including section 21(11).

The real problem, in our view, exists regardless of the inclusion of section 21(11). It is the inordinate length of time required for the arbitration of discharged cases. With respect to discipline relating to health and safety matters, the problem might be resolved in several ways; by giving the inspector authority to make a preliminary determination of the reasonableness of the employee's refusal, subject to later appeal, or by ensuring that the employee receives a particularly expeditious hearing by the Labour Relations Board.

The problem of delay in the arbitration procedure extends far beyond the health and safety area, as the minister recognized in her appointment last year of an industrial inquiry commission to examine this matter. Unfortunately, the commissioner declined to hold public hearings and nothing has been heard of his progress, if any.

I would also like to make a few comments concerning prevention. In our view, the bill is particularly deficient with respect to means of identifying and preventing industrial health hazards. Section 15(d) contains a provision whereby an employer shall accurately keep and maintain such records of exposure of a worker to biological chemical or physical agents as may be prescribed.

What does the minister have in mind in this regard? Will these records be available to individual workers, health and safety committees and worker representatives? Most importantly, will the information required by regulation be turned over to provincial registry where each worker's entire work history can be followed? Surely, this is absolutely essential for two reasons: One, to enable an individual worker to prevent irreversible damage to his health; and two, to enable medical authorities to identify high-risk substances and working conditions.

I would also like to make some comments concerning education. Several other deficiencies in the legislation render it less effective than it should be. The bill fails to establish the Occupational Health and Safety Research Institute which the Premier announced during the 1975 election campaign. What is going to be done about this? Will we have one?

The province continues to lack an adequate supply of occupational health specialists of

various fields. The minister and her deputy minister have referred, on many occasions, to the lack of industrial hygienists, nurses, safety engineers and other professional and para-professional personnel; yet, what has been done to remedy the situation?

Even today, nurses who wish to specialize in industrial health must receive their certification in the U.S. Industrial health experts are being sought after in other jurisdictions at a time of high unemployment in Ontario. Once again, Ontario lags behind in this area.

As I mentioned in my opening comments, we will be very interested to hear what the minister has to say in reply to these questions which I have just raised and other questions which will be raised by other members here, and by the other party. As I said, it is our intention that she provide some flexibility in her remarks so that we will vote for second reading and so that this bill may go to committee where it can be discussed. After the committee meetings when some of these things have been revised and, hopefully, most of them included as part of the bill, Ontario will have one of the best occupational health and safety bills in this part of North America. Thank you, Mr. Speaker.

Mr. Laughren: Mr. Speaker. I'm left somewhat puzzled by the remarks of the member for Quinte (Mr. O'Neil), because I'm not sure whether he said that they would support our reasoned amendment or would not support our reasoned amendment or whether he was saying he was going to wait and see how flexible the minister was.

Mr. O'Neil: Mr. Speaker, on a point of order, we will not be supporting the returning of this bill back to the government. We feel that is not the way it should be handled.

Mr. Deputy Speaker: Order, you had your remarks.

Mr. Laughren: Thank you, Mr. Speaker, I did want that clarified, I did not want to unjustly accuse the official opposition of not being willing to put their money where their mouth is.

Most of the remarks by the member for Quinte I would, quite frankly, agree with. His points are well made. However, I would point out to him he's dealt in some detail with the major principles embodied in the bill. To then vote for it is a bit of a contradiction. I would urge him, and not in a provocative kind of way, I would urge him, as seriously as I know how, to think seriously about our reasoned amendment. That reasoned amendment was not put on the order paper in my name for frivolous reasons; that reasoned amendment is put

there in order to strengthen the bill and so we can, as the member for Quinte also concluded, have one of the best occupational health programs of any jurisdiction.

Mr. O'Neil: We can do that in committee.

Mr. Laughren: That is something on which I would agree entirely with the member for Quinte. I am serious when I say the reasoned amendment was designed and worked entirely to do that. There is nothing in our reasoned amendment, Mr. Speaker, which should cause offence to anyone whose primary concern is to improve the occupational health of workers in the province of Ontario.

Mr. O'Neil: We feel there will be too long a delay.

Mr. Laughren: Mr. Speaker, we have waited a long time now and I can tell you that's one reason the reasoned amendment is on the order paper. I can recall very vividly last December when we were debating Bill 139, the father of this or mother of this bill. I can remember proposing a number of amendments in the committee stage and the minister's reaction was slightly short of violence, because she indicated—

Hon. B. Stephenson: I have never been violent.

Mr. Laughren: She was short, only slightly short, of violence.

Hon. B. Stephenson: Not even short of.

Mr. Laughren: Don't be offended by the word "short."

Hon. B. Stephenson: Well, I am.

Mr. Laughren: Mr. Speaker, I recall the minister's reaction, which was primarily that for heaven's sakes, don't try and change this interim bill. The real bill coming up next year will embody all the principles—well almost all the principles—about which you expressed concern.

I am very disappointed, as are many people in the labour movement, at the minister's omnibus bill. This was an opportunity to do something rather exciting about occupational health in the province of Ontario. We have been sadly jolted by this bill, because in some ways it, as a matter of fact, takes a backward step to the former Bill 139 on occupational health. I shall refer to this in more detail.

I think that one of the things that's bothering me, and bothering others, is that when you introduce a bill like the interim bill, you raise people's expectations about what's going to be forthcoming. I, for one, took your remarks last year in good faith. I believe you were reacting in a legitimate

political way to pressure from this side of the House and from the trade union movement about problems of occupational health in the work place. Certainly that was the way in which we viewed that Bill 139. That was why we understood your attempt or your efforts to get the bill before the House last spring rather than waiting until now to bring in the omnibus legislation. We supported you on that. We did not feel you were being politically expedient and merely doing it because there was an election in the spring of 1977. I think it's fair to say we did not accuse you of that.

Hon. B. Stephenson: If you are accusing me of that now that is dirty pool, I'll tell you.

Mr. Laughren: Well, there's an expression that goes something like "if the shoe fits"; and I will be careful of my letters.

Hon. B. Stephenson: It doesn't fit.

Mr. Lewis: You backed away from your commitment completely, which surprised us.

Mr. Laughren: You have backed away from a number of commitments.
[4:00]

Hon. B. Stephenson: Not true.

Mr. Laughren: You have backed away from a number of commitments.

I personally did give the benefit of the doubt to the minister when she introduced the bill in order to get it before the House and to make it the law of the land. But there are a couple of reasons why I am beginning to have serious reservations about the motives of her government last spring.

One is because of the nature of this bill itself, and its refusal to go forward in areas which I shall outline in more detail—some of which have been mentioned quite adequately by the member for Quinte.

The other is the attitude towards the existing legislation. I think I know the minister will understand those to which I refer. I suspect that it's impossible for this minister to understand that management rights have no place in occupational health. I suspect that is at the crux of a lot of the problems she has in giving workers a fair shake on matters of occupational health. There is still that narrow approach towards occupational health. It's still dealing with accidents, it's still viewing the work place as something which needs to be cleaned up and with giving workers minimal rights in order to protect themselves.

It does not go into the whole area, such as the World Health Organization talks about, of improving the entire physical, mental and social well-being of workers in the work place. That's where we have to

change. That's where the minister simply has to move from the traditional approach to occupational health and broaden the scope of the legislation.

I am disappointed in this legislation. The reasoned amendment was put very thoughtfully on the order paper. It was a serious attempt to convince the Liberal Party to join with us in sending this bill back so that the improvements in principle could be made. The amendment contains changes in principle which would be very difficult to change at the committee stage.

We say that when we have got the opportunity of an omnibus health and safety bill before us, let's make it the best health and safety legislation that is reasonable, that is practical at this time.

Specifically, this reasoned amendment is not an attempt to oppose for the sake of opposition. It is an attempt to say to the minister and through her to the workers of the province, that we have faith in their integrity as workers; we have faith in their expertise, and in their interest in improving occupational health conditions. At the present time, workers are still regarded as people who have to fight for everything they can get in the work place. Instead of giving them certain rights, the minister regards occupational health as an encroachment on management's rights, rather than as a fundamental right of workers. And that's a very serious shortcoming in her philosophy.

I hope the minister will note that the areas we deal with in our reasoned amendment are not frivolous areas. We have restricted the amendment to what we consider to be the very serious shortcomings of the bill; namely, the problem of committees, the problem of the right of workers to refuse to work in unsafe conditions; the lack of coverage referred to by the member for Quinte; and the whole problem of toxic substances.

Those are very serious shortcomings in the bill. Without those you really don't have a substantial occupational health program in Ontario. You certainly don't have a preventive occupational health program in the province. Those basic principles are absolutely crucial if we are going to change the attitude towards occupational health problems.

I would like to talk, first of all, about the whole problem of joint occupational health and safety committees in the work place. I believe that the participation of workers in occupational health is the most crucial aspect of this legislation, bar none. Without worker participation it simply cannot work. The minister has admitted on different occasions that it is not possible to blanket this highly industrialized province with inspectors to monitor

the work place and to enforce the existing legislation; it simply cannot be done. Surely she understands that we'll all be better off if workers are the inspectorate in the work place.

Since Bill 139 became the law of the land last December the minister has not recognized safety and health committees—period. She simply has refused to recognize the committees and that was one of the key components of the bill itself. She needs no other examples than the big Steelworkers' Local 6500 in Sudbury where they have been trying again and again and again to have health and safety committees recognized in the work place.

What really is strange is when the minister can say in a letter to Mr. Rothney, chairman of the safety and health committee at Sudbury, "I have no power to designate either committees or representatives. Sections 4 and 5 of the Act, which deal exhaustively with my discretionary powers in relation to committees and representatives, contain no power of direct designation."

Hon. B. Stephenson: Read the rest of it.

Mr. Laughren: I'll give you one more sentence of your quote. You say, "However, I do not base my decision on these narrow bounds, but have treated the union's submission as a request for the exercise of those discretionary powers given to me under sections 4 and 5 of Bill 139."

Then you go on and refuse to recognize the committees, which they have requested. You can't say in one breath, "I don't have the power," and the next minute say, "I will not base my decision on a narrow interpretation." Then the third step is, you refuse to recognize the committees.

Hon. B. Stephenson: What do you mean recognize?

Mr. Laughren: I mean recognize, under Bill 139, safety and health committees as requested by the workers.

Hon. B. Stephenson: But that's contained in this Act, so that can happen.

Mr. Laughren: It certainly is. The power is in Bill 139 for you to recognize committees.

Hon. B. Stephenson: No, it is not; to designate committees or establish committees, not to recognize.

Mr. Laughren: They would be quite happy to have that done, and you haven't done that either.

Hon. B. Stephenson: It is in this Act.

Mr. Laughren: Why didn't you do it under Bill 139?

Mr. Deputy Speaker: Order. Would the member for Nickel Belt direct his remarks through the Chair?

Mr. Laughren: Yes, Mr. Speaker. Through you to the minister, the minister simply has not designated committees when requested by the union, and there is no excuse for that.

Hon. B. Stephenson: Power to establish a committee, not designate a committee.

Mr. Laughren: The minister can mumble all she likes over there—

Hon. B. Stephenson: I am not mumbling.

Mr. Laughren: I can't hear you.

Mr. Lewis: Anything we can't hear is a mumble.

Hon. B. Stephenson: Really.

Mr. Laughren: We can hear inaudible whispers, we cannot hear mumbles.

Hon. B. Stephenson: But I don't mumble.

Mr. Laughren: Mr. Speaker, the minister should rise on a point of personal privilege if she's offended.

The whole question of committees, to me is the major liability in this bill. Unless the safety and health committees are made mandatory in all places of work over, say 10 employees—

Hon. B. Stephenson: Read the bill.

Mr. Laughren: —you're simply not going to have adequate numbers of committees in the province. It simply won't work.

Do you know what the minister's concern is? The minister's real concern about appointing or designating committees is that her ministry would not be able to monitor the activities of the committees. That's her real concern.

But if she's worried about monitoring the committees' work, how is she going to monitor the work places themselves?

Hon. B. Stephenson: What an idiotic suggestion.

Mr. Laughren: There is a contradiction in logic there that is beyond my comprehension.

Hon. B. Stephenson: It should be, because it is stupid.

Mr. Lewis: Who is going to monitor them?

Mr. Laughren: Who is going to monitor the work places if you don't allow the workers to? You don't have that kind of budget in your ministry.

Hon. B. Stephenson: But there is a program for monitoring.

Mr. Lewis: No good faith; like everything else in the Ministry of Labour—you don't do it, you don't execute it.

Hon. B. Stephenson: You don't have to have everything in legislation for gosh sakes; have some faith in human beings.

Mr. Deputy Speaker: Order. I'd remind the members that the question period expired some time ago.

Mr. Lewis: We are resuscitating it in the interest of good faith.

Mr. Laughren: Mr. Speaker, I would ask the minister through you and to him when she replies, which I hope she will, to tell us how many committees have been designated under Bill 139 so we can understand why she has this reluctance to designate committees.

Hon. B. Stephenson: I don't designate them.

Mr. Laughren: Mr. Speaker, the minister is playing with words—

Hon. B. Stephenson: No, I am not, you are.

Mr. Laughren: —and she knows full well that what we are talking about is the recognition, I don't care what words she uses, the recognition of safety and health committees to have the authority as laid out in Bill 139 and under this Act.

Hon. B. Stephenson: Then support Bill 70, because it's in there.

Mr. Laughren: That is all the union has ever asked for; that is all the workers have ever asked for; and that power in Bill 139 has been refused by the Minister of Labour, time and time again.

Mr. Lewis: It is all in the ministry.

Mr. Laughren: And you ask us why we don't have good faith?

Mr. Lewis: You have had it before.

Hon. B. Stephenson: It's in the bill, it's in Bill 70.

Mr. Lewis: Well why is it any more valid now than it was before?

Hon. B. Stephenson: It is expanded in Bill 70. You have not read the Act, obviously.

Mr. Laughren: Mr. Speaker, I have read the Act again and again—

Hon. B. Stephenson: Well read it again.

Mr. Laughren: —and I have read Bill 139 again and again. The workers have read those bills as well, and they have the same fears I do.

Mr. Martel: They cannot get it recognized.

Mr. Laughren: Because in Bill 139 all the reassurances and assurances were there by the minister; but when it came time to enact or to recognize and designate committees, the minister was found wanting. She simply would not do it. It would be very interesting at some point if the minister would tell

us exactly what kind of employers' lobby there has been in the last year. I suspect there has been a very strong one, otherwise—

Hon. B. Stephenson: None

Mr. Lewis: It is all in the ministry; there is enough there to last a life time.

Mr. Laughren: It probably says more, if there has not been an employers' lobby, about the attitude of the minister and the Ministry of Labour, because I can tell you this bill takes several backward steps. Despite that fact that the minister has stated on numerous occasions that Bill 139 was not abused, yet she still steps back from some of the principles of that bill.

One of the other problems, of course, is that there is still no provision for the education of workers on occupational health and safety matters. There is an advisory council to approve education programs using provincial lottery funds, I understand that, but I am saying that the minister still has a half-hearted commitment to educational programs for workers.

This was discussed during the estimates of the Ministry of Labour and certainly nothing has changed. I think that what we are saying to the minister is: why step back from Bill 139; why not use that as a foundation and build on it to improve occupational health, to give workers more of a say in their own occupational health and stop being so maternalistic about workers.

Hon. B. Stephenson: Don't call me paternalistic.

Mr. Laughren: I said "maternalistic"; you might check Hansard.

Hon. B. Stephenson: Sorry. All right then.

Mr. Laughren: I made that mistake once in the Ministry of Labour estimates.

Hon. B. Stephenson: Better not make it again.

Mr. Martel: Are you threatening?

Mr. Laughren: Or intimidating me? The minister should; perhaps she would then understand this language better.

If the minister is going to err on the side of one or the other, for once set a precedent and err on the side of the workers in giving them some control over their own health in the work place.

Mr. Lewis: Right; like you do for Aime Bertrand and others.

Mr. Laughren: Just once we would like to see that happen. I would like her to keep in mind as well the whole problem of committees and what it means. It means participation. I don't know whether you read

that as control, but you shouldn't. In the occupational health, or joint occupational health committees, the workers have a great deal at stake in their own occupational health. They would not be frivolous about it. You need only look at the unemployment figures to understand that workers in the province of Ontario are not going to frivolously refuse to work. That has never been the case and the minister knows it.

The second major liability in the bill is the question of coverage. For the minister to say that, "while immediate expansion of coverage appears desirable, dispassionate consideration has convinced the government that this expansion would be inappropriate at this time," is to play fast and loose with many of our own employees, employees of her government. For her to promise that regulations will be brought in to extend coverage, quite frankly, is not good enough, given her performance on Bill 139. I see no reason to exclude the employees of the psychiatric hospitals, the mental retardation centres, the community colleges of applied arts and technology—the correctional institutions.

[4:15]

Those four institutions alone, by my computation add up to about 26,000 employees who would not be covered, all Crown employees. They are very uneasy, as I am, about leaving that kind of discretion up to the minister through regulations. There is no reason to be so vague about who is going to be covered. For example, section 3(1)(e) says this Act applies to: "a work place designated generally or specifically by regulation." Then it goes on to say in section 3(2) (b): "a work place that is exempted generally or specifically by regulation."

I am confused that the Act applies, in one breath to "a work place designated generally or specifically by regulation," and then says, that it does not apply to a "work place that is exempted generally or specifically by regulation." That is what is making us all very nervous about the coverage in the bill.

The Ontario Public Service Employees Union has provided the minister with statistics on lost time accidents. I think they are relevant, and indicate that those people should be covered under the bill as well as anybody else.

Brewery workers are another example that my colleague from Hamilton East raised.

Hon. B. Stephenson: Delivery?

Mr. Laughren: Yes, those who deliver beer to a hotel but are not covered when they are at the hotel unloading the beer. Farm

workers are not covered, and they are subjected to considerable danger in their place of work.

Mr. Riddell: I am not sure they want to be.

Mr. Laughren: Quite simply, if protection under this Act is legitimate for some, it's legitimate for all. The other legislation in the province does not designate classes of people. Whether you are talking about the Ontario Highway Traffic Act or termination pay for workers, they apply universally to workers in the province. So should matters of occupational health, there is simply no excuse for excluding them.

The third point that is sadly lacking in the bill is the whole question of toxic substances. This is where the problems are going to be in the future. I know that the Workmen's Compensation Board has published statistics indicating that 95 per cent of all lost time covered by Workmen's Compensation is a result of accidents, as opposed to industrial diseases. But to look back on what has happened in the past, and rather smugly indicate that the real problem is accidents not disease is to have no commitment to prevention. Dr. McCracken was the person who said most lost time was a result of accidents as opposed to illness. I would hope that the minister would not take that attitude. If we are going to be successful it has got to be through preventive measures, not through catching up afterwards. But that is what the minister is really talking about, a catch-up process rather than one of prevention.

There simply must be pretesting before harmful substances are introduced into the work place. The onus should be on the employer to substantiate the introduction of toxic or harmful substances, not on the Ministry of Labour to catch them; not on the Minister of Labour to enforce regulations after the fact. That is not prevention. The minister should take a page out of the book in the UK, where they do have preventive measures. There the onus is on the employer to say to the government that there are certain substances which they are introducing into the work place, the manner they are going to introduce them and outline the precautions they are going to take; and that can be done.

Hon. B. Stephenson: That's in the Act.

Mr. Laughren: No, it is not. I have read the Act very carefully. You show me in the Act where it says that there is pretesting.

Hon. B. Stephenson: We are "required to be informed of."

Mr. Lewis: Oh thank you very much.

Mr. Laughren: Yes, I can imagine what that will be like. And also, it is only—

Hon. B. Stephenson: You have no faith.

Mr. Laughren: No, you are absolutely right.

Mr. Martel: I am going to show you why in a few minutes.

Mr. Lewis: None, none at all; and with fairly good reason. Ontario is littered with dead bodies based on faith; that's right. It's not a question of faith, with the record of the Workmen's Compensation Board and the former ministry.

Mr. Acting Speaker: Order, please.

Mr. Lewis: Faith, something to rely on!

Mr. Martel: You heard the union the other night.

Mr. Laughren: The minister simply must understand, as I said earlier that given Bill 139 we have lost some faith in your commitment to occupational health. I'd like to see the proof of your commitment. Probably the most obvious and glaring example is your failure to designate the safety and health committees. The minister when dealing with toxic substances still talks about guidelines, except for a limited number of substances. I can tell you that guidelines didn't do a damn thing for the workers in the Reeves Mine or the Matachewan asbestos operations or in the uranium mines.

Hon. B. Stephenson: Because they weren't there.

Mr. Lewis: Sure they were.

Mr. Laughren: They've done absolutely nothing. It's only a month ago, in the Ministry of Labour estimates, under the occupational health branch, we were talking about an industry called Royal Industries. I won't go through it all again, but there were levels in the spring, May 26, 1977 as high as 55 fibres of asbestos when the guideline is two fibres per cubic centimetre. Then when we pushed and got readings for October 7, 1977, there were more readings as high as 12.8, 14.2, 14.2, 4.9, 4.2, 3.0, 4.8, 3.8, 7.4, 2.0, and 2.5. Those are what guidelines do.

Mr. Martel: You have got to have faith.

Mr. Laughren: Unless they become standards, talking about guidelines isn't going to solve the problem. And the minister has the nerve to sit there and say, "You have no faith." She's right of course, we have no faith, but for ample reasons. There are many other examples where guidelines simply have not worked and simply will not work. The part that I relate directly to toxic substances is the limit of one year on prosecutions for violations of the Act. But we know that the latency period with some of the carcinogens,

for example, is as long as 20 years. Now what good does that do, when the limitations period is one year? That's still a broken bones mentality on the part of the minister as opposed to the rather sophisticated problems that exist in the work place. To say that there's a limitation of one year is to do workers in the province a real disservice.

Guidelines quite simply are unenforceable. The minister can write all the letters she wants, or inspectors can swarm over the work place, when that problem is brought to their attention. But the problem, Mr. Speaker, is that I suspect in many of the worst places of work it's never brought to anyone's attention. Perhaps it's a small shop, perhaps there's no union at all to represent the workers; perhaps the workers don't understand their rights; perhaps the workers feel intimidated by the employer.

It could be any number of reasons or it could be all of those. In those cases, the employer, quite frankly, has nothing to lose. As long as some of those employers have nothing to lose—if there's only guidelines—then they're not going to clean up their act. It's when we put in standards, backed up by committees that we can get some preventive measures. But to put in guidelines, to not make the committees mandatory, is to make a mockery of preventive health care in the work place and the minister should know that; I suspect the minister does know that.

Mr. Lewis: Of course not.

Mr. Laughren: There have been a number of things to indicate a real weakness. Another—and it ties in with the toxic substances as well—is the data bank which we've been calling for, for some time now. There simply must be an employee file or a worker file that follows the worker in the province. I know that the machinery is set up to do it, but it's not there as a commitment to establish exposure files on all workers in the province; and the most logical place for those to have been located was in a provincial institute for occupational health.

There are some of us who remember September, 1975, the eve of the election, when the Premier (Mr. Davis) announced in Sudbury that Ontario was going to have an institute of occupational health. The Premier has never said it again. The minister, as a matter of fact, categorically denies there is even going to be an institute of occupational health.

Hon. B. Stephenson: No, I didn't deny it.

Mr. Laughren: Yes, you did. You denied it in the Ministry of Labour estimates. You

said, "No, we're waiting for the federal government to institute a federal one."

Hon. B. Stephenson: I didn't say that at all. I said we would be co-operating with a more reasonable kind of approach than the federal one; and that isn't denying it.

Mr. Laughren: Mr. Speaker, the minister indicated they were waiting to see what the federal government was going to do. Yes, she did.

Hon. B. Stephenson: Get the Hansard record. I didn't say "waiting".

Mr. Laughren: She has indicated the federal government was talking about an institute of occupational health, and I know they are. I've had correspondence with the federal Minister of Labour myself and I know they are thinking about it. That's simply no reason for the minister not to make good on the commitment of the Premier to establish a provincial institute of occupational health, no reason for it whatsoever. Then the minister has the nerve to sit there and suggest we have no faith in her and her commitment to occupational health. The minister says it would be dirty pool if I was to suggest Bill 139 was simply brought in prior to the June election in 1976 as a ploy.

Hon. B. Stephenson: Yes, it would be.

Mr. Laughren: Well perhaps she could explain to me the minister's statement on the eve of the 1975 election on which no one has acted as yet; no one at all.

Hon. B. Stephenson: I didn't make any such statement.

Mr. Lewis: No, but the Premier did.

Mr. Laughren: You didn't make that statement but your government did. You can't hide behind your own ministry and ignore the promises of the Premier when it affects your ministry.

Hon. B. Stephenson: I will explain it in words of one syllable so you will understand it, Floyd.

Mr. Deans: Nasty.

Mr. Acting Speaker: Order, please. Could I ask the hon. member to address his remarks to the Speaker, and the hon. minister not to interject. Would you please continue.

Mr. Laughren: Thank you, Mr. Speaker. I shall make every effort.

Hon. B. Stephenson: Unlikely.

Mr. Deans: Will you stop muttering.

Hon. B. Stephenson: I am not muttering, I am speaking clearly.

Mr. Laughren: Mr. Speaker, the minister can smile and mumble all she likes. The Premier did make a commitment for an institute of occupational health to the province.

Mr. Lewis: Certainly did.

Mr. Laughren: He has reneged on that commitment and the minister won't even take him to task for it. Surely that should then become part of her commitment as the Minister of Labour responsible for occupational health, but she has refused to do that.

I would invite the minister to recheck Hansard for the Ministry of Labour estimates to find out what she really did say about an institute for occupational health. It was quite clear she had abandoned the idea of a provincial institute of occupational health. There's no reason why we could not lead the way in occupational health in this country. I can imagine other jurisdictions would be very quick to follow, would try to plug into a worker exposure data bank if we were to set it up.

Hon. B. Stephenson: You don't have to have an institute for that.

Mr. Laughren: It wouldn't negate a federal institute if the federal government decided to have one. It wouldn't detract from that at all. As a matter of fact, it would probably be an incentive and a push to the federal government to do something about it because, quite frankly, they have been as negligent as you have.

Mr. Martel: The compensation hospital you promised in Sudbury on the eve of the election too.

Hon. B. Stephenson: Who did?

Mr. Martel: The Premier. He makes lots of promises, that fellow.

Mr. Laughren: Mr. Speaker, it will be interesting to see how long it is in the province of Ontario before we do have a serious commitment to occupational health. One way of indicating commitment is to establish the institute to which I refer. I think that's one of the keys, because then you have spin-off benefits for education, benefits for setting up an employee exposure worker file, and you could plug into other provinces.

Hon. B. Stephenson: It's not necessary for that.

Mr. Laughren: I don't care what you call it, a data bank or an employee exposure file, it doesn't matter. The principle being, we've simply got to keep track of the exposures of workers in the work place, no matter where they work.

Hon. B. Stephenson: Agreed; it's in the Act.

Mr. Martel: Isn't that what Ham says in his report?

Hon. B. Stephenson: It's in the Act.

Mr. Laughren: Mr. Speaker, the other area of major importance which is embodied in the reasoned amendment is the whole question of the right of workers to refuse to work. Bill 139 had that. Bill 139 was not abused, by the minister's own admission. Since Bill 139 came in, there have been a number of workers exercise their rights, and so they should; but this bill weakens the right of workers to refuse to work, even though it's never been abused.

[4:30]

I don't know whether that's a Pavlovian response by the minister or whether it's the result of an employers' lobby to which I referred earlier, but it has weakened in the first stage of the right of the worker to refuse. It states that a worker can refuse to work and have the problem investigated with the presence of another worker, if reasonably available. The second stage is more or less the same thing. Once again, it's the presence of a worker or representative who is reasonably available. That weakens the right to refuse for the simple reason some workers will not feel very comfortable exercising their right under this bill and that they should have another worker and a representative there with them at all times.

For the minister to weaken the bill is inexcusable. If she can stand in her place and tell us of all the abuses under that bill, perhaps then we would think that there is some reason for it, but there's no reason for this. There is no reason whatsoever, except the traditional commitment to management rights, that's really what the problem is.

It's weakened further by the employer's right to take disciplinary action. I want to tell you that if it's left the way it is now, workers will simply be afraid to exercise their right unless they have a very strong union behind them and unless they have an iron-clad case. It won't be a case of exercising their judgement in the work place. They'll be afraid to because of the possibility that they can be dismissed.

I know that it can go before the Ontario Labour Relations Board. That can take up to six months and that's not fair to the worker, who after all is simply attempting to exercise his or her right under the legislation of Ontario.

Hon. B. Stephenson: But they have no responsibility.

Mr. Laughren: Both the refusal to have another worker there under the Act—in other

words making it discretionary—plus the right of employers to take disciplinary action, both are a form of intimidation to workers. I think the minister simply must stop regarding the right to refuse to work as an encroachment on management rights. It's part of the whole system of preventive health care in the work place.

Hon. B. Stephenson: What a dumb thing to say.

Mr. Laughren: It is. Otherwise why did the minister put it in there? Perhaps when the minister responds she can tell us why she has taken these backward steps, because they're clearly backward steps. It's not nit-picking or looking for loopholes. They're very clear backward steps in the right of workers under this legislation.

I think the minister has to have a broader view of occupational health in regard to committee representatives, the pretesting of toxic substances, worker training, and more expertise in the colleges of applied arts and technology to provide training to the committee members. All of these things are part of a package of preventive occupational health care in the province. For the minister to continue to weaken the bill by these kinds of actions simply is not fair.

The final thing is the whole question of regulations. Quite frankly, we want to see them and we see no reason why the regulations could not be tabled at the same time as the bill is debated.

When I look at the bill itself, under the regulation section, the power of regulations is awe-inspiring indeed. These are the right of the cabinet, which is the minister in this case I assume, to make regulations in the following areas:

Requiring and regulating equipment, materials and protective devices in clothing for workers; regulating or prohibiting the handling of, exposure to, use and disposal of any material, biological, chemical or physical agent or combination thereof, or thing in a work place; respecting medical examinations, tests or x-rays of workers and the report that should be made of such examinations; regulation of or prohibiting atmospheric conditions to which any worker may be exposed in a work place; describing methods, standards of procedures for determining the amount of concentration or level of any atmospheric condition or any biological, chemical or physical agent or combination thereof in a work place; describing any biological, chemical or physical agent or combination thereof as a designated substance; prohibiting, regulating, restricting, limiting or controlling the

handling of, exposure to or the use and disposal of a designated substance; and section 39(2) 23: "requiring the maintenance and keeping of a record or records of biological, chemical and physical agents, the use thereof, the disposal thereof and the exposure of workers thereto."

Those are pretty powerful regulations. I would feel much more comfortable, given the way the minister exercises her discretionary powers, if those regulations were embodied in the bill. We are uneasy about having that kind of discretionary power in the hands of this minister, or any other minister on that side.

Perhaps the minister could rationalize bringing it into the bill, because some other minister might not have her commitment to occupational health in the province. We object to an abbreviated bill like this. It's simply not good enough. It simply puts too much reliance on the regulations.

We have made what I would regard as an honest attempt to amend and we are serious in asking the Liberals to reconsider and to support our reasoned amendment. We are not asking that the bill be defeated. We are asking that the bill be amended before it comes back for further consideration.

We ask that the minister think about the kind of protection available for labour. You know capital has all sorts of protection available to it. It's extremely portable. We have seen that with the resource industry. Capital goes where it can be best protected; labour cannot. Labour simply cannot move that way. Labour has a lack of protection and it's up to the minister to help provide that.

It's clear to us that it's not management that suffers from asbestosis. It is always workers and her predecessor—

Mr. Martel: Put the minister in.

Mr. Laughren: —or the Minister of Labour then, didn't like when I suggested to him that the whole question of occupational health was a working class problem. It's not a management problem. That's why you are stepping back on this bill. Plain and simply, that's why you are stepping back.

Hon. B. Stephenson: It is everybody's problem.

Mr. Laughren: Do you know why you make the same mistake as your predecessors have made? It is because you say: "My job, as Minister of Labour, is to be impartial." I have never heard the Minister of Industry and Tourism say that. The Minister of Industry and Tourism, and the Minister of Agriculture and Food, stand in their places

and say they are there to protect the interests of small business, tourism, the agricultural sector; but the Minister of Labour doesn't stand in her place and say: "I am here for the interest and the betterment of workers in the province of Ontario." She stands there and says: "I am impartial." Well, if that's the case, how is it that the minister would take backward steps in this bill compared to Bill 139? These are undoubtedly backward steps. That's not even debatable.

Hon. B. Stephenson: You just don't know what direction you are going in, that's all.

Mr. Acting Speaker: Order, please. Would the member please continue and ignore the interjections.

Mr. Laughren: If the minister believes that it's not a working class problem, let her say to us that she's going to reduce the differences; she is going to take away some of the differences that now exist in the work place between workers and employers and reduce the occupational health hazards for workers all across Ontario. Let us build a model in this province, in this jurisdiction, to which others could aspire.

Hon. B. Stephenson: That's precisely what this is.

Mr. Laughren: That's not what you are doing when you are stepping away from a previous bill. How does backing off from existing legislation help us build a better model?

Hon. B. Stephenson: We are not backing off.

Mr. Laughren: You are. You are backing off on committees; you are backing off on the right to refuse to work. You are not extending coverages the way you should be. You haven't brought in the regulations.

Hon. B. Stephenson: You just don't understand it.

Mr. Martel: Oh no; and you are the only one who does.

Hon. B. Stephenson: Lots of other people do.

Mr. Martel: They are all in management.

Hon. B. Stephenson: No.

Mr. Acting Speaker: Order, would the member please continue?

Mr. Laughren: It is for those reasons, and a great disappointment in the minister and this legislation she's brought before us, that I place this reasoned amendment.

Mr. Laughren moved, that the motion for second reading of Bill 70, An Act

respecting the Occupational Health and Occupational Safety of Workers be amended by deleting all the words after "that" and substituting therefor the words, "this bill be not now read a second time but be referred back to the government to have incorporated therein:

"1. Mandatory health and safety committees with authority to implement change, and with access to all relevant information;

"2. Extended coverage for workers not now protected by the Act;

"3. Protection of workers from harmful substances in the work place by; (i) pre-testing all such substances before their introduction; (ii) ensuring that workers are fully informed about all harmful substances to which they may be exposed;

"4. The right to refuse unsafe work, free from intimidation and disciplinary action;

"And further, that the regulations be tabled by the time of reintroduction, in order that those affected may assess the extent and strength of the standards, guidelines and directions contained therein."

Mr. Laughren: That's the end of our reasoned amendment. I would ask the minister to reconsider, and I would ask the Liberal Party to reconsider, so we can all join together and give workers in Ontario a better quality of life.

Mr. McGuigan: I rise to lend my support to this bill, subject to the amendments proposed by our critic. I would like to speak on behalf of the farm community in Kent-Elgin, which I represent, and all of Ontario. I have had a quite extensive background in farm politics, particularly in the fruit and vegetable field, and in the matter of farm labour.

I don't think there is any farm leader in Ontario, certain no one I know of any stature whatsoever, who would want to delay implementation of health and safety regulations for the protection of farm workers. I would like to point out that most of the farm workers in Ontario are the farm families themselves. And when a father, wife, son or daughter, or any farm person is injured in any way, in addition to a terrible human loss, it often results in the end of the farm operation. It breaks the continuity of the family and it has tragic results.

I don't know of any farm leader who would want to delay the implementation of the fullest protection for farm workers in Ontario.

I note the Act does not specifically mention farm workers, but it does have a section where it says "the work place shall be regulated"; I certainly assume under that regulation at the minister's discretion and at the

proper time, regulations will be brought into effect to give that very needed protection.

I do, however, have reservations I would like to mention on behalf of farm people. I think these reservations are rather well founded in the fact that over the many years farmers sent their best brains to agricultural colleges. They put them forward and they are now the deputy ministers and in places of high office in this government. Equally, the labour union people sent their brightest sons and daughters into the Ministry of Labour, where they are fighting today to bring the best deal that they can for workers.

Mr. Deans: I don't think that is necessarily so.

Mr. Ruston: You just listen.

Mr. Deans: I wouldn't hang my hat on that if I were you.

Mr. McGuigan: Well, those that couldn't make it that way came into the Legislature.

Mr. Deans: I wouldn't hang my hat on that one, either. I have a suspicion your comparisons are a little out of whack.

Mr. Kennedy: The analogy is good.

Mr. McGuigan: We will have to each make our own judgements on those matters.

Mr. Deans: I have made mine.

[4:45]

Mr. McGuigan: My dealings with some of the ministry people in the past would lead me to believe that many of these officials have brought with them that 19th century bitterness—probably well deserved—that bitterness built up in the nineteenth century, the terrible things that happened in those days. They brought those bitternesses and prejudices along with them and when you try to reason with these people, as I have had to try to do many times, I found that they just have a deaf ear to reason.

So we fear regulations that are brought by these people. We would certainly ask the hon. minister that when and if the regulations are brought forward that a farm advisory committee be allowed to look at the regulations to make input to them.

We realize, of course, that the final decision is hers, as it properly should be. We would not try to take any of the authority away from her office. We do have faith in her.

Mr. Martel: Boy, I tell you we do too, baby; we have got faith.

Mr. McGuigan: We do have quite a bit of faith in the minister, but we have a little less faith in some of those zealots and people

who have brought these 19th century ideas with them.

Mr. Martel: They must be two centuries ahead of you.

Mr. McGuigan: Maybe.

Mr. Martel: Maybe.

Mr. Gregory: The world isn't ready for you, Elie.

Mr. Acting Speaker: Order.

Mr. McGuigan: We just want to make these appeals to the minister, that these considerations be given. I think we have good grounds for that when she promised about two years ago that a person would be appointed to an advisory committee. We found a good deal of resistance on the part of the ministry to recognize that and it was only within the last few days that that happened. So we would certainly feel a lot better if she would give those assurances to the House that when and if agriculture is appointed that due consideration will be given to allow the agricultural community to make input to those regulations.

I would point out some of the differences between industry and agriculture, the matter of atmospheric conditions, working under certain weather conditions. A fruit grower is sometimes subject to such conditions, when it rains steadily for three or four days on a particular variety of fruit or vegetable, the crop may mature in that period of time and the grower could well be faced with harvesting it in the rain.

Tobacco growers, when they start in the morning to fill a kiln of tobacco, must fill that kiln by night or the entire kiln is lost. So it becomes necessary sometimes for people to work in bad atmospheric conditions.

We would ask that these situations be recognized. We are very sympathetic to the television advertising of the Workmen's Compensation Board telling people to tie ladders to buildings and obstacles when they're working on them. It's certainly sensible and very commendable. But in the orchard business we would suggest that tying the ladder to the trees would be a little bit ridiculous. In my own orchard business we make a great point of pointing out to people, when we introduce them to a ladder, to "stay with the ship." When the ladder begins to fall, hang onto the ladder because it won't go very far. It's going to fall into the tree. It doesn't fall sideways, like a ladder leaning up against a building, it will fall into the tree and if you hang onto it you're only going a very short distance.

It's good advice, I guess, for airplane drivers too, but they—

Mr. Bounsall: They are called pilots in this day and age.

Mr. McGuigan: I just mention those two or three things to indicate why we have these concerns, Madam Minister, but certainly we will support inclusion of agriculture, when and if this is brought about. Thank you.

Mr. Mackenzie: Mr. Speaker, I rise in support of the reasoned amendment to this bill. It is necessary that we make some positive changes in Bill 70, the legislation that is before us, because it is certainly not what most of us were led to expect in the debates on the previous Bill 139.

The minister, in her comments about the complaining that we may be doing about this bill, reminds me of the mother watching her son, Johnny, marching off to war and commenting that everybody was out of step but Johnny. I would suggest to the minister that she might be the one who is out of step in this particular case.

Hon. B. Stephenson: No, two steps ahead of you, Bob.

Mr. Martel: With the advisers you have you should look around.

Mr. Mackenzie: She also says she wants us to have faith. In the first set of labour estimates I was in, I was a lot more naive than I am now. Faith with the labour movement and some of the problems we have had in this country, was something that you had to earn. Let me tell you, that is not what the minister is doing.

We debated the first bill, Bill 139, at considerable length in this House. In the course of that debate we moved a number of amendments to areas that we thought were weak. It included such things as mandatory committees, toxic substances, further coverage; a whole range of points just did not seem to be adequately covered in Bill 139.

I recall with some chagrin that, in the votes on most of those amendments in this House, we usually lost, even when it came to things like mandatory committees and toxic substances, and you name it. We had the Liberals voting with the government on those amendments on Bill 139.

When we were raising the points during those debates, I would hope that at least we would be given credit for raising them in a serious vein. Certainly that is the position I held and I believe all of my colleagues held. Most of us, whatever else the minister may think, have had some identification with and some interest in and some communication with the labour movement, for some of us for many years. Throughout that debate, we kept getting comments back from the minis-

ter. I would like to read two or three of them into the record if I can.

On November 18, 1976, in Hansard, page 4791, the minister commented: "At the beginning of the next session the government will introduce a comprehensive occupational health and safety statute which will formally establish, in the Ministry of Labour, an occupational health and safety authority responsible for the health and safety of all employees in the province of Ontario."

Well certainly this bill does not cover all employees.

Hon. B. Stephenson: But it will.

Mr. Deans: When?

Mr. Mackenzie: She went on a little further to say: "I want this House to understand," and I want this clearly on record and this is her exact wording, "that the government is firmly committed to meeting the twin needs for greater openness and greater employee participation in matters of health and safety. Combined with these objectives, the government wants to provide the most effective external evaluation system possible."

And then she says: "Any comprehensive statute must, I think, embrace not only the broad principles emphasized by Dr. Ham and his commission, and those persons and organizations who appeared before it, but as well the technical consideration and practical language required to respond to the new technology."

She went on at the end of that particular paragraph to say there would also be changes in the Mining Act, "—so that all our health and safety laws would be kept in step while we await the introduction of the omnibus statute."

Later in that debate she makes the comment, Hansard, page 4792. "Before you, Mr. Speaker, is Bill 139, the interim legislation." Again the minister said: "To suggest that this government is less than totally committed to the development and maintenance of the best program of occupational health and safety is spurious fabrication."

We were led, time and again, to believe that this was going to be a bill that all of us could be proud of. She said again, after some brief interjections, and a comment by one of the Liberal members, Hansard, page 4792: "I will emphasize again that this is interim legislation."

She went on again to say: "I do sincerely thank those members who have outlined or specifically detailed work place problems and relevant matters, such as data collection and research, which will be most seriously con-

sidered during our development of the omnibus occupational health and safety Act."

The feeling or the hope, or as I will point out a little later the comment of one columnist just the other day, the euphoria that was around that we might finally be getting somewhere, continued when we moved on to December 10, 1976. She was being questioned during the debate on some of our amendments under clause (h), section 1. In response to one of our members she said, "I would have to tell you that these indeed are the goals of the Ministry of Labour in proposing this kind of bill. However, as the hon. member for Nickel Belt has suggested, we believe it is inappropriate to introduce this section at this time because this is much more appropriate for the omnibus health and safety legislation.

"The purpose of this bill is an important first step, as I have said on at least three or four occasions."

Once again the feeling certainly was that while we were fighting and raising and moving certain amendments so we would get a first bill established, we would see the improvements in the omnibus bill that was to come down.

She went on further to say: "It is our intent—and we are working on the omnibus legislation right now—to introduce a comprehensive bill which will incorporate some of the goals that have been stated here." That once again is in response to some of the amendments we were moving in the House.

And a further comment, "and that we can get on with the careful examination, in the drafting of the omnibus legislation, of the very useful suggestions made by the hon. member for Nickel Belt." That in response to some of the criticisms, some of the points that we were making at that particular time.

On page 5605, Mr. Speaker, that same debate: "It seems to me that it would be entirely inappropriate—" this once again is the Minister of Labour in her response to some comments by the member for Scarborough-Ellesmere of our party, "—to include in this bill those sections to which they are not directly relevant. I believe they are reasonably relevant to the development of the omnibus bill, which I have said repeatedly will be developed in major consultation with the groups which are going to be affected by it." I don't know where the consultation was in the changes from Bill 139 to Bill 70, but they certainly didn't come from the labour side of the fence.

Further, she goes on to say: "With their expert advice, I think we probably can develop for the omnibus bill this kind of definition which will be rational and which we can indeed live with." This was in reference to a definition of health and safety.

On that same page I made the brief comment or interjection, Madam Minister, and it really strikes me as being apropos now: "I am wondering how long we would be debating those same sections, even in the omnibus bill." What we are going to be doing is dealing with amendments that are almost identical in some cases to those we were dealing with a year ago after we had gone around the province on that tour.

Hon. B. Stephenson: We didn't do the tour until April.

Mr. Mackenzie: This is a comment of the minister, on page 5607; "We get on with this business now and do away with this long drawn-out discussion of specific added sections, which would be much more appropriately discussed in the consultation process in the development of the omnibus legislation which has already begun."

I don't know whether or not the minister agrees, she probably doesn't, but certainly anybody sitting in or listening to this would get the indication that we could expect some positive changes in the omnibus bill.

Another comment, on page 5610, "That modification can be made at the time the omnibus bill is introduced, but I think it would be much more rational to leave it in this form at this time and proceed in that direction."

Mr. Mancini: How does it sound when it is read back to you?

Mr. Mackenzie: I think it is important to recognize that the purpose of this bill, as the member for Nickel Belt has said is to protect the workers. She goes on to further discuss changes that can be made in the omnibus bill coming up. I find interesting, and we are dealing with mandatory committees once again, her comments on page 5687, are exactly: "If we find that it doesn't work, then indeed when the omnibus legislation is introduced we can most seriously consider the possibility of introducing mandatory committees." Now that is a comment, a statement out of Hansard, by the minister.

[5:00]

Mr. Martel: You said that?

Hon. B. Stephenson: Right, of course; but they do work, it has worked very well.

Mr. Mackenzie: I am wondering, in view of those comments time and time again dur-

ing the debate, where are the improvements and changes in this legislation? This legislation does not improve the right to refuse, it weakens the right to refuse unsafe conditions.

Hon. B. Stephenson: No, it does not.

Mr. Mackenzie: It doesn't strengthen the bill or extend it to additional workers. We don't know what the regulations are. We are not getting pretesting. Issue after issue is there.

I also heard the minister in her interjections today indicate that it was possibly the member for Nickel Belt who was squawking. You know I find it interesting that almost every labour group in the province is squawking about this bill.

Hon. B. Stephenson: I didn't say that at all. Where were you, you weren't here.

Mr. Mackenzie: I was right here. You were squawking that we were the only ones objecting to the provisions of this new bill.

It's very difficult to understand just what's going on, except that we know what your position will almost automatically be now. That's one of the reasons why there's a lack of faith.

Mr. Martel: I will give you two or three more reasons.

Mr. Mackenzie: Here are two or three indications of the extent of the opposition to this bill. This is from a statement by Clifford Pilkey, president of the Ontario Federation of Labour, October 20, and it says—

Mr. Martel: He doesn't understand either, does he?

Mr. Mackenzie: I realize he's unimportant, as some of the rest of us are in the minister's feelings. He comments: "What should have been the single most important and comprehensive piece of legislation for the protection of workers' health and safety in our time turns out to be a disappointing combination of housekeeping amendments and a timid advance in only one direction, the designation of certain toxic substances for control by the Ministry of Labour." He goes on to make a number of other comments, none of which are very complimentary to the minister.

I won't take the time because we've covered them to some extent. Some of the other comments deal with the areas on safety.

Hon. B. Stephenson: So what?

Mr. Lewis: But this bill won't be effective if there is so much antagonism to it.

Hon. B. Stephenson: Of course it will.

Mr. Lewis: And these are people who know, these are people in the work place.

Hon. B. Stephenson: But there's no reason for them to be antagonistic, none.

Mr. Lewis: Oh yes there is, your staff for openers.

Mr. Martel: Talk to Dr. Muller; they love him in the labour field.

Mr. Acting Speaker: May I remind the members that the member for Hamilton East has the floor.

Mr. Mackenzie: Let me go on. He's listed very clearly some of the complaints and elaborated on a couple of them. "The minister clarifies the right to refuse to perform unsafe work by giving management the green light to impose discipline for a frivolous exercise of the right, leaving it to the suspended or fired worker to file a complaint with the Labour Relations Board. Some cases of discharge for union activity under the same section of the Labour Relations Board have taken up to six months to a year for a decision." He also makes the comment: "In almost 10 months since Bill 139 was passed into law, to our knowledge not a single committee has been appointed nor a single representative selected."

Mr. Mancini: Not one.

Mr. Mackenzie: That's from the president of the OFL. The minister has had wires from the Canadian Union of Public Employees outlining some of their objections.

Mr. Lewis: What is the date?

Mr. Mackenzie: The Ontario Public Service Employees Union has very strong objections to the bill, and in most cases they're the same objections, Madam Minister, that we've made. They deal with the same weaknesses and errors in the legislation.

Mr. Martel: You don't understand.

Mr. Mackenzie: No, none of us understand. None of the labour movement understands, obviously. And everybody is wrong but the minister.

Hon. B. Stephenson: That isn't what the telegram says.

Mr. Laughren: Everybody else is out of step.

Mr. Mackenzie: I really wonder; we went through the build-up, the hearings over the mine conditions, the Ham commission; we come in with this legislation. We hear the objections, the urging for strengthening of the bill from almost every union group in the province. I myself heard the minister say in the estimates that there really hadn't been any abuse of it; and then we get presented Bill 70. Really it's a bit of a disgrace.

I read with interest in a piece in Wednes-

day's Hamilton Spectator some comments by John Lennie of Local 1005 in my own city, who has been long involved in this. He makes the comment, in an article by Peter von Harten, that there was "a sense of euphoria in the trade unions as trade unionists trooped before Bette Stephenson and her officials in April to give their views on health and safety. The provincial labour minister had already provided interim legislation giving workers the right to refuse unsafe work and was promising more wonders in a comprehensive Act. The employers were also at the public hearings and there was trepidation on their part as they argued that the minister had already given workers power to shut down operations."

"Under the guise of an unsafe work situation, workers could stop work," the Hamilton Chamber of Commerce claimed in its brief. Although Mrs. Stephenson told the chamber that there had been no frivolous abuse of the interim legislation, she appears to have bought the employers' argument.

"The new industrial health and safety Act now before Queen's Park has a specific clause giving employers the right to discipline employees who refuse work considered unsafe without reasonable grounds. The clause, which questions workers' motives before any argument on whether the job is actually unsafe or not, and the lack of any new wonders, has left trade unionists disappointed and let down with the new bill."

"The shell of a good Act may be there but there's no meat on it and it's even a step backward from before," said John Lennie, Local 1005 safety chairman.

"He goes on to make a number of comments: 'The lack of detail and regulations would tie up the province's labour board with questions of discipline, and keep health and safety in the adversary arena of collective bargaining.'"

"I thought that one of the reasons for this was to get over some of the problems we're having in negotiations over health and safety matters which shouldn't have to be a matter of that kind of confrontation. We had been hopeful in 1005,' he goes on to say, 'of keeping health and safety out of negotiations. Now we are going to have to keep banging away at the bargaining table to get anything that we need. Companies are not going to give anything away on health and safety that isn't provided in the legislation, and the bill gives little protection for unorganized workers at all.'"

I don't know who the minister wants to go to in the trade union movement. I don't know whether she's got a few flunkies or not, but she's going to have to look hard to find those who have any confidence in this bill, or who support it in any way whatsoever. And I also would strongly urge the Liberals to take a look at it because the bill is not adequate. It's a step backwards.

Hon. B. Stephenson: I have a communication from Mr. Pilkey that says he supports it.

Mr. Lewis: Where? Where does Cliff Pilkey say he supports the bill?

Hon. B. Stephenson: It's a verbal communication.

Mr. Mackenzie: If he does, I don't know when the minister was talking to him. That's not the position.

Mr. Lewis: I thought maybe it was spiritual communication or celestial or maybe—

Hon. J. A. Taylor: Now it's on the record.

Mr. Mackenzie: The bill is not supported by the Ontario Federation of Labour, the Auto Workers, the Steel Workers, CUPE, OPSEU or almost any of the major unions in this province.

Mr. Lewis: How do you expect to make it work?

Mr. Mackenzie: As a matter of fact, there is strong opposition to the bill as it stands. What they're saying is: "Why go through the whole route again starting from a step backwards?" And that's exactly what the minister is asking us to do with this bill. If ever there was a party that was afflicted with tunnel vision or was rigid and was dogmatic and wasn't willing to break out or make any changes or make any innovative moves at all in an area that we should be leading in in this province, it's the Tory party; and not to assist in something as basic as health and safety of workers is going to come down around their heads.

The people who are dogmatic, who are ideologues, are on that side of the House, not over here.

Hon. B. Stephenson: No, sir.

Mr. B. Newman: Mr. Speaker, I rise to make a few comments on this bill, and at the outset would like to bring to the attention of the members of the House and the minister, the comments made by a gentleman who practises law and deals particularly in litigation involving job safety.

The individual is a Mike Stoyka who, in comments before an association meeting, made the following observations: "The On-

tario Health and Safety Act has improved working conditions in Ontario industries since its creation in December of 1976 but suffers from a vague definition of terms," according to him. "Mike Stoyka, a criminal and labour lawyer who has been involved with health and safety regulations for three years, told about 100 members of the Essex county division of the Industrial Accident Prevention Association that the Act does not define unsafe conditions."

That's been his principal gripe. We certainly hope that the new Act would define it a little more specifically so that when he has clients whom he is attempting to show they were in the right he is on safe grounds and the unsafe conditions are clearly specified.

"Mr. Stoyka said the lack of definition has created some problems in interpreting the law, particularly as it applies to industrial-created diseases such as silicosis which became prominent in the mining industry two years ago.

"But, overall the legislation has created a new spirit of co-operation between management and labour in the identification of work hazards."

So it has been a step forward, and we hope that we could step a little further forward in respect to the new legislation.

My comments will be essentially on toxic substances. It does concern me very much that we are now approaching a chemical nightmare as far as job hazards are concerned.

We can all recall, not too long ago, the unusual experience in the town of Seveso in Italy where a substance called tetrachlorodibenzodioxine, or TCDD, had been sprayed around in the area and, as a result, they had to completely evacuate the town. It was such a horrible chemical that it only led to extreme disaster.

The United States had a similar experience in the town of Verona, Missouri, where 515 people had to be evacuated from the town as a result of the manufacture of the same chemical. The chemical is so dangerous that the company, when it went into bankruptcy, sold some of it to an individual who used it to overcome dust problems. That man sprayed the oil on the earth floors of three horse arenas in Missouri. Many animals were killed and some humans made sick, although it wasn't until four years later that scientists at the communicable diseases centre in Atlanta discovered that TCDD had been the cause.

You can see, Mr. Speaker, the long range effects that some of the new chemicals are having on us in general and, specifically, on the individual who may be in the work place,

either manufacturing or exposed to the chemical.

On February 20, 1977, a fairly comprehensive article appeared in the Detroit Sunday News headed: "Modern Perils for Pauline—Dangers Lurk in Women's Jobs.

"Chronic exposure to chemicals in factories, offices, foundries, auto plants and even hospitals is a danger most workers are not aware of."

I'll read the whole article because it lists so many dangers involved in so many work places that the employees are exposed to these hazards it is frightening to contemplate what could actually happen if this were not controlled.

"They are nine to fivers—secretaries, office workers and other women employees, whose routine jobs lack all the splashy glamour and risks seen in their homes on television.

"But there may be different kinds of risks—unseen and unknown—all around them at work.

"The culprit is the ubiquitous chemical, and it affects the lives and health of both men and women in a number of jobs and over a wide range of manufacturing processes.

"Because women workers tend to be older and get less desirable jobs, however, their problems are magnified, in the view of some labour union representatives, consumer health groups and researchers.

"There have been worse times for women in the work place, of course.

"In 1908, for example, more than 1,250 women and children working in match factories had their jawbones disfigured by phosphorous used to produce match heads. Four years later, 154 women died in a New York garment factory fire. The building was not equipped with fire escapes and the doors were locked from the outside.

"Deathtrap' sweatshops like these no longer exist. For the most part, they've been replaced by well-lit, relatively clean workrooms. But take a closer look.

[5:15]

"According to Dr. Janette Sherman, a Southfield internist, women often face hazardous jobs as an indirect result of their role as mothers.

"A lot of women wait until their children are grown up to go to work. And when they finally do, a lot of them work in small plants making small parts for the auto industry,' she explained.

"Dr. Sherman said she knows of at least three women who now have lung disease after less than a year's exposure to polyurethane on the job. Adhesive and insulation

workers, lacquer and plasticizer workers, textile processors and upholstery makers work with TDI"—which is toluene diisocyanate—"used in the production of polyurethane.

"She has also seen women with sores in their noses, sometimes breaking entirely through, among workers who chrome-plate small parts. Inhaled as dust, mist or fumes, chrome can cause eczema, ulcers of the skin and cancer.

"Women who never set foot in factories also face exposure to harmful chemicals.

"In her workbook, 'Working For Your Life: A Woman's Guide To Job Health Hazards,' Andrea Hricko, health co-ordinator for the labour occupational health program at the University of California, Berkeley, warned women in almost every field, from office worker to hair stylist, of job hazards around them.

"Approximately 10 million female clerical workers are exposed to potential danger from asbestos in the air conditioning, chemicals for office machines, noise, solvents, ultraviolet lights and poor ventilation. Hazards range from poorly designed chairs to liquid 'eraser'.

"At last one of these fluids,' reports Ms. Hricko, 'is known to have contained trichloroethylene, a chemical which can cause headache, fatigue, nausea, vomiting and confusion with acute exposures and that has recently been implicated as a cancer causing chemical.'

"Compounding the problem, many solvents found around the office are not labelled with chemical components.

"Detroit lawyer Jeanne Mirer, of the centre for urban law, who once handled worker's compensation cases, said she knows of women office workers who have complained of headaches and dizziness from contact with correction and stencil fluids.

"Nearly 15 million women face similar work related health hazards, Ms. Hricko maintains. Beauticians, dental assistants, flight attendants, textile workers, dry cleaners, laboratory workers and a host of other job-holders are exposed to harmful chemicals that can cause everything from dermatitis to death.

"A study by the National Institute of Occupational Safety and Health (NIOSH) in the United States gives hair stylists reason to worry, Ms. Hricko pointed out.

"It found twice as many symptoms of lung disease in hair stylists with the longest exposure to hair spray. A bacterial study on hair dyes revealed that 89 per cent of the 169 hair dyes tested produced mutations.

"Dental workers have also been tested. In a survey of 303 dental workers, those showing the most exposure to mercury vapour were 107 dental assistants, all young women, who mixed mercury amalgams for filling cavities.

"Textile and apparel workers . . . daily handle chemicals untested for chronic effects of exposure. Recent tests by the National Cancer Institute with a flame-retardant chemical called TRIS, commonly used in children's sleep-wear, show it to be carcinogenic. Tests conducted as early as January last year aroused suspicion about the chemical.

"The chain of those affected by TRIS is dangerously long. 'Chemical workers manufacture the flame-retardant; children may suck on their pyjamas, and the flame-retardant material touches their skin . . . Textile workers may actually touch the chemical itself; apparel workers may handle and breathe treated fibres.'

"The study of these harmful chemicals has barely begun,' said Portia Hamlar, Chrysler attorney who handles Occupational Safety and Health Administration litigation. She spoke on the legal implications at a national conference exploring women's job hazards.

"Ignoring this problem is consistent with ignoring female problems in general. Prior to the last 10 years, women were not looked upon as permanent or part-time employees, as a rule . . .

"Working women have not only themselves to think of, but the health of their unborn child,' said Ms. Hricko, a four-year veteran of Ralph Nader's Public Citizen's Health Research Group and a member of the task force on health hazards for the Coalition of the Labour Union Women.

"The majority of women workers are in their childbearing years, and the federal government recently estimated that over one million of these women may be exposed to chemicals that could harm their babies in some way,' she added.

"Among the work places where this potential danger may exist is, ironically, the hospital. Dr. Thomas Corbett, an Ann Arbor anaesthesiologist, became suspicious of chronic exposure to anaesthetic gases when he discovered his wife could sniff out certain gases on his breath, even when he wasn't directly exposed to them.

"He began a survey of 621 female nurse anaesthetists in the state in 1973 and found an incidence of cancer three times as high as expected . . .

"In a much larger study"—sponsored by NIOSH in the United States and the American Society of Anaesthesiologists—"he found

1.3 to two times the incidence of spontaneous abortions in exposed women. The incidence of congenital abnormalities among babies was double"—as a result of exposure.

"The mounting evidence that something is amiss in the operating rooms has nurses concerned, said Margo Barron, chairperson of the University of Michigan Professional Nurse Council, which brought up the health issue during the 1976 negotiations at the hospital.

"It's the chronic exposure to low doses of these gases day in, day out,' said Ms. Barron, who works in the surgery outpatient unit at University Hospital . . .

"Leaving a job is not necessarily the answer, said Ms. Hricko; nor should industry ban pregnant women from jobs considered unsafe . . .

"Some employers are refusing to hire women of childbearing age unless they can no longer bear children—instead of cleaning up the work place so everyone is protected."

"General Motors, for example, has a long-standing policy of keeping women who are able to bear children out of its lead operations and soldering jobs. Lead has been known to cause reproductive problems, specifically miscarriages . . .

"However, the company began transferring women out of its Canadian operations two years ago. The push made national headlines when a worker, Norma James, had herself sterilized in order to keep her night shift job in an Oshawa, Ontario, battery plant.

"Of all the industrial chemicals, lead and its effects have probably been publicized the most . . . The outcome of the lead issue will probably decide whether or not industry can continue to treat women differently from men.

"In an up-coming conference on lead standards in March, speakers . . . will argue that there is scientific proof that lead also endangers the reproductive systems of men and produces blood disorders in blacks . . .

"Chemicals do not pose the only danger. When Detroit lawyer Linda Miller Atkinson attended a 1975 National Safety Council convention in Chicago, she walked among the 730 displays of safety equipment manufacturers had put out.

"Out of the five who sold fire-fighting equipment, none of them had a fire suit, boot, or equipment to fit women,' she said. Although the safety regulations require equipment for certain factory jobs, few safety face masks are made to fit women.

"There is one danger that working women are exposed to, said Ms. Atkinson, who

handles Workmen's Compensation cases. On-the-job stress seems to hit women" more than it does the male.

Hon. B. Stephenson: That is not proven scientifically.

Mr. Nixon: It is not scientific?

Hon. B. Stephenson: There have been studies about that and they are not accurate.

Mr. B. Newman: It may not be so. All I can tell the minister is what I read from the article as published in the Detroit Sunday News on February 20, 1977. The minister as a medical doctor could probably find faults with other comments made in the article. But I read the article to point out the inherent dangers in playing with chemicals when they have not been tested properly, and when they are not as safe as sometimes we are led to believe.

Mr. Lewis: Did you see the medical association medical report on the jaundice of a child from breast feeding by a woman having lunch with her husband in an unsafe environment? And there is no testing in this bill?

Hon. B. Stephenson: Yes.

Mr. B. Newman: Mr. Speaker, I would like to make few other comments, but simply read certain newspaper headlines. April 17, Detroit Free Press, "Miscarriages Tied to Work Hazards," "Lead Poisoning: A Worker Worries," "Pajamas, a Cancer Threat," that as a result of TRIS the chemical used.

Hon. J. A. Taylor: Stop wearing pajamas, Bernie.

Mr. B. Newman: TRIS was also used and continued to be used up until this year in the General Motors plants where they used seat cover reinforcing strips treated with TRIS. Now General Motors has abandoned that practice I think, and in place of the chemical TRIS they've used a chemical called Fyrol FR-2. They find that chemical is more dangerous than was TRIS, and it was the substitute used as a fire retardant.

"Herbicide Cancer Warning"—so you can see the exposure to which our farm friends are in danger. "Farm Chemical a Sterility Peril."

Mr. Martel: That is why you should support the reasoned amendment.

[5:30]

Mr. B. Newman: EPA—that's the Environmental Protection Agency—makes mention of DBCP, a common pesticide, as being extremely dangerous. There is pentachlorophenol now found in cattle. There is benzene which I see has been listed as one of the chemicals

that could not be used, benzene being dangerous in the home.

In the state of Michigan we had the PBB problem, where the fire-retardant was accidentally sprayed on animal feed, and the horror stories that have resulted from that, and which still have not been resolved. From the PBBs we get into the PCBs. I hope that in the legislation, or the regulations, there will be something to cover the workers who will be involved with the new PCBs, the incineration of PCBs, the drivers who are going to handle the vehicles, those who are going to have any type of exposure to the PCBs. Because it is a chemical that, when one realizes its dangers, one has to wonder why our scientists ever invented it.

Another area brought to my attention, is aerial spraying. I know a lady by the name of Mrs. Dumont lost a son to Reyes syndrome and, if the minister can recall, at one time I discussed that with her. Now she still maintains today that the spraying that took place in her community may have been one of the causes for losing a member of the family.

Hon. B. Stephenson: Was it the bud worm spraying?

Mr. Speaker: Order, please. This is second reading.

Mr. B. Newman: I could carry on with—

Mr. Speaker: This is no time for interjections.

Mr. B. Newman: —with other types of chemicals. I bring to the minister's attention that the toxic substances portion of her legislation has to be toughened and strengthened to the point that we will not be exposed to any of these. We are playing around with things we think we know something about. We don't find after effects from them immediately. They are long-range, and they are devastating in their long-range harmful effects to those in the work force who are exposed to them.

Mr. Lewis: We in this caucus have put forward the reasoned amendment because we believe profoundly that Bill 70 is a singular retreat from Bill 139. We did not want to believe that. As evidence of the good faith with which we greeted the introduction of Bill 70 when I walked out of this Legislature on that day, right after question period—and I think that was true of my colleague from Nickel Belt—we said to the media that this was the omnibus bill which we had all been waiting for and hoped to receive. Instinctively, we wished to support it. On the assumption that a number of things were written in it which were logical, and which

had been promised, we would support it fulsomely.

I must admit that it was only upon a careful reading of the bill and the sudden recognition of what was excluded by way of designated chemicals, that I, and my colleagues, were extremely disturbed to realize that this was not a major advance in omnibus occupational health legislation. That this was, in fact, in some particulars, a retreat.

I ask you to recall, Mr. Speaker, the incredible revelation that occurred on the day the bill was introduced into the House. When we walked out of the House it emerged that asbestos, the single greatest contaminant in the work place—I challenge you to name one that is a more documented hazard than asbestos—was not then to be included on the list of the designated substances viewed as a standard, rather than as a guideline.

Now any bill that can be brought in with that much bad faith at the moment of introduction is immediately suspect. I know the minister went outside the House and chatted with the media and said something about a committee still sitting and still working and deciding whether or not asbestos should be designated as given a certain standard, presumably two fibres per cubic centimetre. And overnight, lo and behold, asbestos was given that designation—was incorporated as one of seven substances I guess it is—and we were, in that one particular, appeased.

But it is indicative of the lack of thought about the bill and the lack of commitment to its work that that could have happened.

Hon. B. Stephenson: Those are incredible statements. Absolutely incredible.

Mr. Lewis: With respect to the minister, it is inconceivable that in Ontario in 1977 she could introduce a bill of this kind and not have asbestos as a designated standard. It is not possible.

If anyone in that blessed occupational health division of hers, or the minister, had given it adequate thought I submit to the minister, through the Speaker—and I don't particularly want to get exercised about it; I want to make what I think are a series of simple and plausible arguments—it is simply a reflection of the way in which this legislation is being treated. It is not being treated with sufficient importance. The minister is making what she believes to be marginal improvements on Bill 139 and which we know to be retrograde steps.

Hon. B. Stephenson: Balderdash. Absolute balderdash.

Mr. Lewis: With great respect, retrograde steps. I can recall that little happenstance when Bill 139 was brought in when the minister asked me for the amendments that day, back at the end of 1976 and I journeyed across the floor and gave the minister 30 or 40 pages of amendments. She looked at me as though I were mad and she said to my colleague from Nickel Belt later on; "How dare the member bring in these amendments? Our omnibus bill will cover it all."

Hon. B. Stephenson: How dare you? Right. Exactly. Exaggeration. Gross exaggeration as usual.

Mr. Lewis: Well, "How dare you" may be a slight poetic licence. She said, "How can you bring these in after all we promised you? This is only intermediate legislation."

Mr. Laughren: Worse than that.

Mr. Lewis: Well, I think in fact the minister abused you and was quite agitated, yes.

Interjection.

Mr. Lewis: It was quite out of character for this minister, who is usually restrained, of course.

Hon. B. Stephenson: Just keep on going, I won't leave.

Mr. Lewis: Mr. Speaker, I want to point out to the minister that her intermediate legislation last year was better than her present legislation. I want to tell her something which she will find hard to accept because she is not a person of what one might call infinite flexibility. I say to the minister, through the Speaker, we would prefer to stay with Bill 139 rather than many of the sections of this bill. We would prefer it. We would actually prefer it.

I want to tell you why, Mr. Speaker, and I interject on the Speaker's behalf to say that the galleries in this august assembly are not allowed to participate in the debate, even by way of adoration or clapping.

Mr. Nixon: Did you say adoration or clapping?

Mr. Lewis: Yes. Leaping from the galleries, I meant, and clapping audibly and other functions. Mr. Speaker—

Mr. Nixon: It's awfully hard for the jammed gallery to contain themselves.

Mr. Lewis: The minister went around the province in the early part of 1977 soliciting contributions from the trade union movement and observations and submissions on the bill and she got them. And now—

Hon. B. Stephenson: From employers as well. The important part of the equation.

Mr. Lewis: And from employers as well. And now when she brings in the new legislation, the trade union movement almost universally has condemned it.

The Minister of Labour takes this very much in stride, she thinks "Well, so be it. So what?" But the fact of the matter is that when this kind of legislation, which cannot work without the support of the trade union movement, is universally indicted by them, it should make the minister and her colleagues pause. Does it make her pause? It drives her forward.

I think the minister and her colleagues get a positive exhilaration out of the opposition of the labour movement because it confirms in their minds that they have fashioned a bill satisfactory to the employers of the province of Ontario.

Hon. B. Stephenson: That is hogwash. You are guilty of gross exaggeration constantly, just constantly.

Mr. Mackenzie: That's what you are guilty of.

Mr. Lewis: I am sorry to agitate the minister, but I must say if any other Minister of Labour were to bring in a bill of this kind and have the opposition of the trade union movement most directly affected by it, she would withdraw the bill. She would withdraw the bill. It is simply not fair. It is not possible for the bill to work adequately. Either she imputes—

Hon. B. Stephenson: It will, when they understand the bill.

Mr. Speaker: Order. The hon. minister doesn't have to interject at every comment. She will be given ample time to conclude the debate.

Mr. Lewis: Sure, of course.

Hon. B. Stephenson: Will I have two hours, Mr. Speaker?

Mr. Speaker: You will have as long as is necessary.

Hon. B. Stephenson: Two and one half then please.

Mr. Lewis: I'm sure that's true.

If the Ontario Federation of Labour and the Steelworkers and the Auto Workers and CUPE and the Textile Workers and a great many other organized trade union groups, representing hundreds of thousands of workers in the province, all them with a vested stake in occupational health, all of them who wanted to believe that this would be a good bill, all of them who participated in its forma-

tion by coming to the meetings and making submissions in good faith, if they collectively say that the bill isn't doing the job, then the bill should not be proceeded with in this form. Because they are the people affected.

My colleagues from Nickel Belt and from Hamilton East put it very well. It is a working class reality. It is the workers of the province of Ontario who are governed by the content of this bill. The minister can't just dismiss the observations of their representatives. It is a grave mistake on the part of her government not to have listened to what they've said.

Hon. B. Stephenson: No one has dismissed them.

Mr. Mackenzie: You are not listening.

Mr. Lewis: My colleagues who spoke earlier indicated to the minister that one of the things which was really a bother was the whole question of health and safety committees. That's why we have indicated that particular area as part of our reasoned amendment. How can the minister possibly ask the trade union movement or the New Democratic Party in this Legislature to believe she's operating in good faith when in the process of Bill 139, so far as we know, over a period of 10 months, she allowed for the formation of no health and safety committees at all, which were recommended by the unions. How can she justify that?

The minister was interjecting so volubly when my colleague from Nickel Belt was talking about the differences between Bill 139 and Bill 70 that I went and read them both in conjunction carefully again. Let me say categorically that it was entirely within the minister's capacity to appoint any number of health and safety committees recommended by the workers over the intervening 10 months. The fact that she appointed not even one, for example from local 6500, is evidence that she doesn't really take this legislation seriously at all. It's called bad faith. It says in Bill 139, in section 4:

Hon. B. Stephenson: And you don't know what you are talking about—that's all.

Mr. Lewis: "The minister may, by order in writing, require an employer to establish a joint health and safety committee."

Hon. B. Stephenson: Right.

Mr. Lewis: What words could be clearer than that? Did you do it with 6500?

Hon. B. Stephenson: No, for good reason. Read the letter.

Mr. Lewis: No, I rest my case. I go no further. I want to go to the next point.

Mr. Martel: I read the letter.

Mr. Laughren: No, no reason at all.

Mr. Lewis: The workers asked her. Have they no influence on the minister? They asked her to protect their health by appointing committees. She has the power under the Act, she assures us she will do it, and then she dismisses them.

Hon. B. Stephenson: I didn't dismiss them.

Mr. Lewis: Oh yes, she did. And we'll say why she dismissed them. Because Inco didn't want those committees. And when the chips—

Mr. Laughren: The company didn't want them.

Hon. B. Stephenson: No, you didn't read the letter and you don't understand.

Mr. Lewis: My colleague quoted the letter into Hansard.

Hon. B. Stephenson: No he didn't.

Mr. Lewis: Oh yes, he did.

Mr. Speaker: Order, will the hon. minister come to order please. If you are going to have any time at the end of the debate I suggest you allow the speaker to go uninterrupted now.

Hon. B. Stephenson: He will go on forever anyway.

Mr. Samis: No self control.

Mr. Lewis: I could quite happily go to 10:15. Yes I could quite comfortably do that.

Hon. B. Stephenson: By all means, go ahead.

Mr. Lewis: We also objected and included in the reasoned amendment the whole matter of the exclusion of large numbers of workers in Ontario. I think the Liberal Party has spoken to that as well. Its labour critic who began this debate spoke to that.

Mr. Mancini: Did a good job too.

Mr. Lewis: Yes, not only in terms of OPSEU and the number of categories that were excluded but right through to the question of the people who work on delivery from the breweries. All of these categories of workers should be included. The fact that they're excluded from the bill is intolerable. On top of that—

Mr. Mackenzie: Offensive as well.

Mr. Lewis: —the section in the bill on toxic substances is painfully, terribly deficient. On the basis of that section alone we could not possibly support the bill as it now stands.

[5:45]

If one accepts what is generally conventional wisdom, that 80 to 85 per cent of all cancers in contemporary society have en-

vironmental causes and if one now accepts what more and more scientists are telling us—and it's what the member for Windsor-Walkerville spoke to, about toxic substances—that these terminal illnesses are more and more frequently caused by exposure to chemicals in the work place, then it is the better part of common sense, Mr. Speaker, to have a pretesting and prescreening apparatus built into the whole procedure provided by the province of Ontario. We do not have that. Worse still, we do not have it at the federal level.

At the federal level, we have something called the Environmental Contaminants Act. There's a fine little Science Council of Canada background study, October 1977, entitled "Canadian Law and the Control of Exposure to Hazards," which deals with the Environmental Contaminants Act and points out—and I know you will be interested, Mr. Speaker—that the federal legislation does not allow for spontaneous or adequate pretesting, does not allow for the look at chemicals before they are introduced into the work place.

If it is true that we introduce 2,000 to 3,000 new chemicals and chemical compounds and chemical combinations into the work place every year, how can we bring in an Act of this kind which does not have a testing apparatus embedded in its content? It's simply impossible for us to support that kind of legislation without bringing in a reasoned amendment. It means, very simply, that we're going to continue to have tragedy upon tragedy in the province of Ontario, noted only 15 or 20 years after the effect, because we have been so negligent and deficient in the pretesting of chemicals when they're going to be introduced into the work place.

The minister may say that it's not our job to do. That's for the Food and Drug Administration to do. That's for the federal Environmental Contaminants Act to do. I say with respect, Mr. Speaker, if other jurisdictions waive their right or their obligation, then it's necessary for us as the most highly industrialized province in this country to undertake it. This Act makes no provision for it.

More than that, this Act has set up this invidious business of standards and guidelines whereby you give to a handful of chemicals—seven, I believe, in number—certain standards which must be complied with and then the whole range of everything else. And this includes, as I think my colleague from Hamilton East was saying, benzpyrene in the coke ovens of Ontario. All the other hazardous and dangerous areas are left purely to guidelines.

There was, in the study which I referred to, a reference to guidelines and the regulations that they provide. I just want to read it into the record: "The data show that regulators seem to have a clear preference for issuing guidelines rather than regulations." Why? What effects does this practice have? We've already noted that guidelines are not enforceable and that they are very much more difficult for researchers and other members of the public to find. No doubt, they can be changed more quickly than regulations, but perhaps the loss in enforcement and publicity is too high a price to pay for greater flexibility.

All that the researchers are saying is that if you set out guidelines rather than standards and let industry get away with a constantly fluctuating level, you end up counting the bodies 20 years down the road. And a great many of us in this Legislature are tired of counting the bodies. We're just tired of it. May I point out to the minister through the Chair that just today there is an article in, I guess, *The Globe and Mail*; and it's the first time I've seen it. It's about the first two cancer cases coming out of Eldorado Nuclear at Port Hope, each of them with over 20 years' work experience, both of them lung cancer, both of them now before the Workmen's Compensation Board to attempt to establish the association between exposure in Eldorado Nuclear and the incidence of lung cancer.

Virtually every time one turns around nowadays there is yet another example of a serious carcinogen in the work place, or another example of disease or fatality as a result of exposure. To go through a piece of legislation which does not have pretesting and has only six or seven standards is to bring into Ontario occupational health legislation which it is not possible, in good faith, to support.

I want to say something terribly controversial. In a sense, I apologize in advance for saying it but I want to say it anyway, because I couldn't rest easily if I didn't. There is, everywhere in the province of Ontario that I've had contact with—the contacts may be limited—a widespread feeling among the trade union organizations, in many of the university settings, among a good many scientists with whom I've had contact, a great disillusionment and unhappiness with the new occupational health division within the Ministry of Labour.

Mr. Laughren: It didn't take long.

Mr. Lewis: I think it is important for the minister to know, that there is a gradual feeling out there that the new occupational health division, instead of being a consolida-

tion of the best knowledge we have with a determination to enforce, is once again playing the apologists' role; that their voices are muted; that their energy is misdirected; and that they are nowhere nearly tough enough about the contamination to which workers are exposed. To put it in a simple phrase, it is a very bitter disappointment.

I just want the minister to know that it is a widespread opinion that the much-heralded business of this new occupational health division with—what is it?—an associate deputy minister, or an assistant deputy minister, just isn't washing. People feel no more vigour, sense of urgency, direction and toughness from them than they felt in the desperate division of obligations in all the previous ministries.

I don't know what happened. I don't know where it went wrong. I have a feeling my colleague from Sudbury East may speak to that as well this evening.

Mr. Martel: Yes.

Mr. Lewis: I want to emphasize that there is a loss of confidence and trust among the trade union movement in particular, but I have a feeling it goes beyond that, in the energy and the focus with which this division is bringing to occupational health. That may be simply because the minister plays a role which seems so often to impede rather than to encourage reform in the field of occupational health.

This doesn't help very much when it is added to the reality of the Workmen's Compensation Board, which continues to drive most of us in this caucus to distraction. I don't have to deal with it in this legislation. It is mentioned in the bill on a couple of occasions, but given that the Workmen's Compensation Board excites no confidence among members of the New Democratic Party, where occupational disease is concerned; given that the occupational health division emerges as something of a disappointment, then you can see, Mr. Speaker, why we would wish written into the legislation itself a far greater expression of tough, disciplined, no-nonsense enforceability, and it's not there. It's just given to endless vaguery. Imagine, a bill of this kind where the regulations allow, in 40 separate clauses, the Lieutenant Governor in Council to do virtually anything and everything.

So we have again asked in our reasoned amendment, I think entirely logically, that those regulations be made available to the Legislature and, in fact the list of hazardous and toxic substances be made available to the Legislature prior to any intended passage of

this bill. There is too much lacking in the bill; too much that is wanting in the bill.

Look at the section which attests to the last item which we have in our reasoned amendment, the section on the right to refuse unsafe work. That is a distinct retreat from Bill 139. This bill introduces the potential for intimidation of workers who would wish to refuse unsafe work that Bill 139 did not have.

If you want to perform a service in this Legislature, then withdraw these sections from Bill 70 and replace them with Bill 139. The irony is the minister herself has attested to the value of those clauses as they previously worked. Now they bring in amendments whose only purpose can be to undermine that value.

In other words, Mr. Speaker, this bill is just wanting on too many fronts. I know the members of the Liberal Party want to see the bill come in. They want to see us get on with occupational health. Who in this Legislature would wish it otherwise? As I say, when the bill was introduced, when we first directed ourselves to it, we intuitively, instinctively wanted to endorse it. In fact, a couple of us went far out on a limb and did so before we read it, so anxious were we to believe its contents were valuable.

I think it's important for this Legislature to recognize that the contents are not a significant step beyond Bill 139. If we were, in good faith, to return this bill to incorporate the strengthening features which we put in our reasoned amendment, then Bill 139 can serve happily in the interim because Bill 70 takes us no further.

In fact, Bill 70 takes us back sufficient that it is the kind of legislation which takes enormous affrontery to introduce.

Hon. B. Stephenson: You are suffering from cerebral ossification.

Mr. Lewis: Well, let me tell the minister cerebral ossification is an occupational health hazard in this Legislature. It has afflicted a number of cabinet ministers for a very long time. Mr. Speaker, I guess this fits nicely with the ending I want to make as we approach 6 o'clock. I believe the cabinet and the ministers, for a reason that is utterly beyond me, have decided to dig in their heels and take a position on this bill which isn't really very logical. I don't really understand it, nor do my colleagues understand it. All we are saying to the minister is there are certain principles inherent in this bill which surely can be embodied in a much more thoughtful and effective way:

One, the mandatory setting up of the safety and health committees in a fashion which will allow them to occur—to be appointed, rather than to stand in limbo forever. Imagine 10 months under Bill 139 and not a single additional health and safety committee in Ontario.

Hon. B. Stephenson: You are wrong.

Mr. Lewis: Well, certainly not in the important areas like Inco for example and Sudbury, because the minister didn't want to appoint them.

Hon. B. Stephenson: Many important areas.

Mr. Lewis: Imagine a bill with a Toxic Substances Act where only seven substances are designated as standards when the minister herself knows the problem of guidelines. Imagine a bill which doesn't require pre-testing and prescreening in a province like Ontario where the chemical hazards are so great.

Imagine a bill which retreats on the right of a worker to refuse to perform unsafe work when the minister herself admitted publicly that it worked effectively under Bill 139. Why does she change it significantly under Bill 70?

Imagine a bill which excludes from its content a large number of workers in the province of Ontario about whom we know there are hazardous exposures. The minister has conceded it, whether it is in the public sector or certain aspects of the private sector. In other words, Mr. Speaker, if in good faith, we want to bring in health—I don't want to fight with her about it terribly—I just want to put the case.

Hon. B. Stephenson: Oh yes you do.

Mr. Lewis: No, I don't frankly. If we want to bring in a bill which has good occupational health and safety legislation and she said it would be omnibus and it would be a significant improvement on 139 and we accepted that in good faith at the time—

Hon. B. Stephenson: And the mechanisms are here to do it.

Mr. Lewis: Then why haven't we done it? Why is our progress, if anything, lateral rather than substantial? That's why in good faith we moved the reasoned amendment. We have told the minister the areas in which she can strengthen the bill and have

said to her: "Look, Bill 139 is just as good at the moment. Continue along with it and for heaven's sake, let's improve the principal particulars of this bill before us now."

I shan't prolong it further. My colleagues will pick up and pursue it this evening. I guess I should take my seat and somebody

else will move the adjournment of the debate.

Mr. Sweeney moved the adjournment of the debate.

Mr. Speaker: The hon. member for Kitchener-Wilmot has the floor next.

The House recessed at 6 p.m.

APPENDIX

(See page 2195)

Answers to questions were tabled as follows:

37. Mr. Makarchuk—Inquiry of the ministry: 1. Will the minister list all retainer fees and fees for special services, as well as any other payments, made to the law firm of Mills and Mills by OECA, Ontario Education Communications Authority? 2. What is the salary paid by OECA to Dr. Jim Dator, futures expert; what are the terms and length of the contract? Are any trips to Hawaii included in the contract? Are any grants paid for purchase of winter clothing to Dr. Dator; if so, how much? 3. How many conferences did senior officials of OECA attend in 1976? Where did they go and at what cost? 4. What was the cost of the OECA, Futures Conference held at Inn on the Park in 1976? Who were flown in for the conference and what was produced from it? 5. Who pays for the expenses of the chairman's wife when on OECA trips and what is the average spent on accommodation per day on each of the trips? 6. How many colour TV and video playback sets have been put in the homes of OECA staff? How long are the sets kept there and what is the value of the equipment? 7. What was the total amount of expenses incurred by OECA officials for liaison with other public broadcasting agencies in the world? 8. How much did it cost OECA in 1976 to enter and attend film festivals? 9. How many OECA officials attended the 1976 Cannes Film Festival? What was the total cost? (Tabled November 3, 1977.)

Answer by the Minister of Culture and Recreation (Mr. Welch):

1. The firm of Mills and Mills is not paid a retainer but is paid on a fee for service basis. For the fiscal year 1976-77, the following amounts were paid: Matters relating to network expansion, \$20,822; services to the board of directors, \$16,865; corporate matters (contracting, opinions, litigation), \$69,298; total: \$106,985.

2. Dr. Jim Dator was employed by the OECA for a two-year period, from September 1974 to August 1976. The total amount paid under Dr. Dator's contract was \$75,133. While the contract did allow for trips to Hawaii at six month intervals, the OECA only paid \$440 relating to one trip actually taken. Included in the total amount paid was \$4,650 relating to expenses incurred for winter clothing by Dr. Dator and his family (five persons).

3. For the fiscal year 1976-77, eight senior executives of OECA attended a total of 21 conferences at an approximate cost of \$13,000. The titles and locations of these conferences are as follows: Video Disc Programming Conference, New York; Council for UHF Broadcasting, Washington; Agency for Tele-Education in Canada Administrative Council, Quebec; Canadian Association for Adult Education Board Meeting, Edmonton; European Broadcasting Union, Helsinki; Canadian Broadcasting League Annual Meeting, Halifax; European Broadcasting Union Video Disc, Oslo and London; Public Service Satellite Consortium, Washington; National Association of Educational Broadcasters Ascertainment Seminars, Columbus, Ohio; Open University Research and Evaluation Conference, England; National Association of Educational Broadcasters Conference, Indianapolis; National Association of Educational Broadcasters Conference, Chicago; Canadian Education Association Conference, Halifax; Association for Educational Communications and Technology, Paris; Agency for Tele-Education in Canada Programming, Banff; Canadian Association of School Administrators and Canadian Educational Association Conferences, Halifax; Annual Ontario Association of Education Administrative Officials Conference, London, Ontario; World Future Studies Conference, Dubronik, Yugoslavia; The Association of the Scientific, Engineering and Technological Community of Canada, Kitchener; National Association of Educational Broadcasters, Boston; OCUC Conference, Kingston.

4. There was no OECA Futures Conference held in 1976.

5. The OECA has never paid any expenses for the chairman's wife.

6. There are 27 colour TV monitoring sets in the homes of OECA staff members on temporary loan. These sets are subject to recall at any time and most have been recalled for production needs at least once. The average original cost of these sets is \$425. There are 12 video tape playback sets on loan to OECA staff members and located in their homes. These sets have an average original value of \$1500.

7. In the fiscal year 1976-77, approximately \$11,000 was spent on liaison with public broadcasters, of which \$2,700 is also included

in senior officials travel to conferences outlined in the response to question No. 3.

8. During 1976-77, the OECA had entries in 32 festivals and won awards in 15 of these. Total entry costs were \$4,100. Attendance at six festivals cost the Authority \$3,100.

9. One OECA official attended the 1976 Cannes Film Festival in conjunction with a production trip to the BBC in Britain. The costs incurred for the Cannes part of this trip were \$1,100.

39. **Mr. Breagh**—Inquiry of the ministry: With respect to the land the Ministry of Housing expects to have marketed by the end of this fiscal year for some 2,400 residential units, would the minister please indicate the name of the municipalities containing this land; the number of acres which is represented by these 2,400 residential units; and the price per acre of this land? (Tabled November 10, 1977.)

Answer by the Minister of Housing (Mr. Rhodes):

Attached is the response outlining the municipality, acreage and the total book value for each parcel. It is not possible to establish the price per acre on any of these holdings since servicing costs were added subsequent to the original purchase.

If there is any further clarification that you require, please contact Mr. R. W. Riggs, Assistant Deputy Minister, Community Development, at 965-9041.

Projected Land Sales
Fiscal 1977-78

Municipality	Acreage	Provincial and Federal Developed Land Costs (Thousands of Dollars)
Belleville	3.1	228.0
Brockville	19.0	971.1
Espanola	2.4	144.0
Hamilton	7.3	238.0
Kitchener	63.0	2,117.2
London	5.9	378.0
Metro Toronto	167.4	16,887.1
Niagara Falls	8.0	436.0
Oshawa	5.6	302.5
Ottawa	18.0	1,119.8
Sarnia	5.3	350.0
Windsor	12.2	1,328.6
Totals	317.0	24,500.0

40. **Mr. Ziemba**—Inquiry of the ministry: Will the Treasurer please table all loans arranged in the early 1970's in Germany and indicate how much money was involved, exchange rate of interest and the amounts of loans and interest outstanding? (Tabled November 15th, 1977)

Answer by the Treasurer (Mr. McKeough):

The information requested on the four original German loans (series EG, ER, ED and EF—domiciled in Frankfurt, Germany) was reported on page 42 of Volume I of the Public Accounts 1972-73; the information on the loans currently outstanding (series EG and ER) was reported on page 41 of Volume I of the 1976-77 Public Accounts. A copy of each of these pages is attached.

PROVINCE OF ONTARIO
Details of Debentures Outstanding
As at March 31, 1973

Serial or Maturity 1973	Maturity July 15 (1973-76)	Date of Issue	Rate of Interest	Amount of Issue \$	Amount Outstanding			Series	Call Provisions	Domicile
					Held as Investments by the Province \$	Held by the Public \$	Total \$			
1973	July 15 (1973-76)	July 15, 1946	2%	30,000,000	293,000	6,272,000	6,565,000	BM	Optional redemption (at par) of all unmatured debentures on January 15, 1967, or subsequent interest date, on 30 days' notice.	Canada
1974	Jan. 15 (1974-77)	Jan. 15, 1947	2%	50,000,000	329,000	6,413,000	6,742,000	BN	Optional redemption (at par) of all unmatured debentures on January 15, 1973, or subsequent interest date, on 30 days' notice.	"
1975	Feb. 1 (1975-84)	Feb. 1, 1969	6½	40,088,000	.....	40,088,000	40,088,000	EG	Optional redemption, with 3 months' notice, of all unmatured debentures on February 1, 1975 or any subsequent payment date. Premium if called 1 year or more before maturity date.	Frankfurt, Germany
1980	Sept. 1 (1980-87)	Sept. 1, 1972	6	30,757,222	.....	30,757,222	30,757,222	ER		"
Straight Term Issues										
1973	April 15	April 15, 1964	5	8,500,000	318,000	7,807,000	8,125,000	DN		Canada
1973	Aug. 1	Aug. 1, 1968	6%	40,050,000	.....	40,050,000	40,050,000	ED		Frankfurt, Germany
1974	May 15	May 15, 1956	4½	60,000,000	1,006,500	41,995,500	43,002,000	CG	(X) Earliest callable date, May 15, 1971	Canada
1975	Feb. 1	Feb. 1, 1969	6½	24,052,800	.....	24,052,800	24,052,800	EF		Frankfurt, Germany
1975	July 15	July 15, 1957	5	33,000,000	1,213,000	28,901,000	30,114,000	CL	(X) Earliest callable date, July 15, 1973.	Canada
1976	Dec. 1	Dec. 1, 1956	4½	32,000,000	946,000	26,765,500	27,711,500	CJ	(X) Earliest callable date, December 1, 1974.	"
1977	Oct. 15	Oct. 15, 1950	3	50,000,000	175,000	39,015,000	39,190,000	BT	(X) Earliest callable date, October 15, 1975	"
1977	Dec. 15	Dec. 15, 1971	6	25,000,000	25,000	24,975,000	25,000,000	EM		"

SCHEDULES TO STATEMENT OF ASSETS AND LIABILITIES
DETAILS OF DEBENTURES AND NOTES OUTSTANDING—Continued
for the year ended March 31, 1977

Date of Maturity	Date of Issue	Series	Interest Rate %	Original Issue \$	Outstanding \$	References
(b) PAYABLE IN NEW YORK IN UNITED STATES DOLLARS						
PUBLICLY HELD DEBT						
May 1, 1983	May 1, 1958	CN	4.000	50,000,000	22,689,000	(12)
Issued on Behalf of Ontario Hydro:						
Nov. 1, 1978	Nov. 1, 1953	CA	3.625	50,000,000	46,097,000	(9)
Mar. 15, 1980	Mar. 15, 1954	CC	3.125	80,000,000	28,861,000	(10)
May 15, 1981	May 15, 1956	CE	3.875	50,000,000	39,652,000	(10)
June 15, 1982	June 15, 1975	EY	8.200	125,000,000	125,000,000	(11)
Feb. 1, 1984	Feb. 1, 1959	CT	4.750	75,000,000	64,380,000	(12)
Nov. 15, 1985	Nov. 15, 1975	FC	8.400	100,000,000	100,000,000	(1)
Sept. 15, 1990	Sept. 15, 1965	DT	4.750	50,000,000	44,666,000	(12)
Apr. 1, 1996	Apr. 1, 1966	DW	5.500	35,000,000	31,377,000	(13)
Apr. 15, 1997	Apr. 15, 1967	DX	5.625	65,000,000	57,829,000	(13)
Dec. 1, 1997	Dec. 1, 1967	EA	6.875	75,000,000	68,395,000	(13)
Aug. 1, 1998	Aug. 1, 1968	EC	7.125	75,000,000	69,040,000	(13)
Feb. 15, 1999	Feb. 15, 1969	EE	7.375	75,000,000	69,225,000	(13)
Sept. 1, 1999	Sept. 1, 1969	EH	8.375	100,000,000	85,420,000	(14)
Feb. 15, 2000	Feb. 15, 1970	EJ	9.250	100,000,000	87,240,000	(14)
Aug. 1, 2000	Aug. 1, 1970	EK	9.250	75,000,000	67,435,000	(14)
May 15, 2001	May 15, 1971	EL	7.850	100,000,000	85,395,000	(14)
May 15, 2002	May 15, 1972	EP	7.700	100,000,000	96,475,000	(14)
Dec. 15, 2002	Dec. 15, 1972	ET	7.300	100,000,000	90,700,000	(14)
Oct. 15, 2003	Oct. 15, 1973	EU	7.900	125,000,000	113,750,000	(14)
Mar. 15, 2004	Mar. 15, 1974	EV	8.600	125,000,000	116,895,000	(14)
Oct. 1, 2005	Oct. 1, 1974	EW	10.250	175,000,000	172,760,000	(14)
Mar. 1, 2005	Mar. 1, 1975	EX	8.875	200,000,000	198,900,000	(14)
Nov. 15, 2005	June 15, 1975	EZ	9.125	150,000,000	150,000,000	(14)
Nov. 15, 2005	Nov. 15, 1975	FD	9.250	200,000,000	200,000,000	(14)
Jan. 15, 2007	Jan. 15, 1977	FG	8.400	300,000,000	300,000,000	(19)
					<u>2,509,492,000</u>	
TOTAL PAYABLE IN NEW YORK IN UNITED STATES DOLLARS					<u>2,532,181,000</u>	
(c) PAYABLE IN FRANKFURT, GERMANY IN DEUTSCHE MARKS						
Feb. 1, 1978 to 1984	Feb. 1, 1969	EG	6.500	40,088,000	28,061,600	(15)
Sept. 1, 1980 to 1987	Sept. 1, 1972	ER	6.000	30,757,222	24,374,483	(16)
TOTAL PAYABLE IN FRANKFURT, GERMANY, IN DEUTSCHE MARKS					<u>52,436,083</u>	
TOTAL DEBENTURES AND NOTES					<u><u>13,274,329,404</u></u>	

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No. 60

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition

First Session, 31st Parliament

Thursday, November 24, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 24, 1977

The House resumed at 8 p.m.

OCCUPATIONAL HEALTH AND SAFETY ACT

(concluded)

Resumption of the adjourned debate on second reading of Bill 70, An Act respecting the Occupational Health and Occupational Safety of Workers.

Mr. Deputy Speaker: I believe the member for Kitchener-Wilmot adjourned the debate. I will acknowledge the member for Kitchener-Wilmot.

Mr. Sweeney: I am pleased once again through you, Mr. Speaker, to Madam Minister, to have the opportunity to speak on a bill dealing with the health and safety of the employees of our province—the workers of our province is perhaps a better way of putting it.

I remember, it seems about a year ago now, participating in the debate on Bill 139, which as someone said earlier is either the mother or the father or something of this particular bill.

Hon. B. Stephenson: It's the parent.

Mr. Sweeney: Mother? Okay. Very good.

Hon. B. Stephenson: No, no. I just call it the parent.

Mr. Sweeney: We'll call it the mother, then, of this particular bill.

I would like to point out that at that time some significant changes were made in that bill before it was passed. The minister may remember one particular one when she agreed to change one section of the Act where we added the health of a fellow worker, or the safety of a fellow worker, in addition to the worker himself or herself.

I mention that because I and my colleagues have gone on record as requesting, and will be requesting, some changes to this bill. We believe that based upon past experience some changes will be forthcoming.

I would like at this time to suggest that if this bill in fact is a successor or is the follow-up to a previous bill—and there will probably be other bills—that we look upon them in an evolutionary fashion. I would like to suggest, though, that when we look

at evolution I would have to feel that at this particular stage we should be concentrating more than this bill does on that part of the evolution which deals with prevention.

It has been my experience at least—and I understand that too from the minister's own statement—there have been no, or very few, examples where the workers of this province have frivolously treated the previous legislation. We need to take that factor into consideration because there is bound to be some concern on the part of the employers, the contractors, the manufacturers, the management side, that in fact legislation like this could be abused.

We have had almost a year, now, to take a look at what has happened, and I don't think the experience would suggest that that is the case.

I would also like to make one observation at this point in time, that like our colleagues to the left, both ideologically and physically, we are not happy with the way in which this bill is set up. We do want to see changes made, but it is our belief that the purpose of the opposition, the purpose of this Legislature, the purpose of the committee meetings which will follow our debating it here, is to make those changes. That's the purpose for bringing legislation in here. We do not believe that the proper thing is to send it back to the government, to send it back to you, Madam Minister, through you Mr. Speaker, and ask you to make all those changes.

We recognize two things. Number one, that changes are required. We do not agree with the bill as it presently stands. I strongly suspect that Madam Minister recognized that when she brought it into this House. Secondly, we believe that it is the job of this Legislature. It is the job, particularly, of the opposition members of this Legislature—that's why we're here—to recommend, to suggest, to argue for; to do whatever we can within our realm of power and authority to make those changes. I would like to put that on record. I would like also to put it on record that as my colleague the member for Quinte (Mr. O'Neil) has already stated, we intend to bring in quite a number of amendments to

this bill and that in no way are we accepting it as it is now.

We do accept the fact that it is a step forward. It may not be as big a step forward, in fact it isn't as big a step forward as what we would like to see. We will try to make it a bigger step.

Coming back to the point that I mentioned a minute ago about prevention, we think that one of the main ways that prevention will occur is if the health and safety committees be made mandatory. I think it's only fair for us to make it very clear to you that we feel that. Clearly, one of the main ways in which we are going to prevent more health and safety hazards in industry, in our mines and on our construction sites, is if the workers themselves are more involved, if they know right from the very beginning that they have got to be looking for some of the hazards which are facing them. They have got to participate in anticipating some of the hazards which are going to be facing them.

Maybe this is a difference of view between us, but we believe one of the main ways in which that's going to be done is if in every single work place in this province, no matter how large or small, there will be a mandatory committee; even if it's only one worker, because surely that one worker has just as much right to be protected.

Mr. Laughren: Why didn't you support us on Bill 139 then?

Mr. Sweeney: We're coming, we're coming. We accept the fact that this is an evolutionary process. We feel that this is the place to do it. Bill 139 is finished; we're dealing with Bill 70 and let's deal with Bill 70.

Mr. Laughren: You can't suck and blow at the same time.

Mr. Sweeney: I make the point though, that we view it as a preventive measure; not just as a mechanical process, but as a preventive measure. May I just step aside for a minute and draw the minister's attention to the most recent report of the Ontario Cancer Institute? What I'm saying is not new, but in fact it's being reinforced at this very late date by an institute which receives the support of this government, which is partially funded by this government—

Mr. Laughren: Good to hear you are supporting the amendment.

Mr. Sweeney: —and which I understand the government accepts. It says, "Evidence from cancer epidemiology suggests that the

great majority of human tumours are a consequence of environmental factors." I'll just finish that off—I realize it's been said before, it's simply a supporting argument. At the end it says, "If this is so, this would confirm that the environment really is responsible for the great majority of human tumours and would provide an approach to controlling them." There's a whole lot of other things in there. I'm not going to bother reading them. The point we want to emphasize once again is that even a report like this from a prestigious research institute like this, supported by your government, is confirming once again that the environment around us is the largest contributor to cancers.

As one of my colleagues said just a little while ago, the whole area on toxic substances must be strengthened. I would suggest very strongly, and this has also been mentioned by my colleagues in the NDP, that the least that you can put into this legislation, and we will argue for this, is the pretesting of all new substances in the work place.

Time and time again as substances are introduced, we find out later there was something wrong. I appreciate that there is no foolproof scheme. Even though we take the very best efforts, something is going to slip through. We are not suggesting it is going to be foolproof. What we are suggesting is that this approach will certainly reduce, within human frailty, the incidence of this.

The third point I think we can look at with respect to prevention, is a preview, also, of new manufacturing processes. We are also beginning to learn that as we move into advanced technology that it must become mandatory—

Hon. B. Stephenson: It is.

Mr. Sweeney: I'm sorry; I didn't read that in the legislation and the minister will have certainly the opportunity to draw it to my attention and that of my colleagues. It must become mandatory when new processes—and I'm not talking just about chemicals, I'm talking about when processes are being introduced—there has got to be some mechanism within our society, within the ministry, within industry, within construction, within mining, to examine it first and to the best of our human ability, to try to predict where it may be a hazard. We believe this very strongly.

I would step aside just for a minute. It has been my experience that the majority of the cases, at least the ones I'm dealing

with, and I understand many of my colleagues are dealing with at the Workmen's Compensation Board, deal with back injuries; I would suggest a disproportionate share.

And when we are dealing with this piece of legislation I don't see anything really being done about it. It seems to me that month after month—and I was going to say year after year, but I have only been here for two years; although I have talked to some of my colleagues about this and it seems as if it has been year after year—we keep going back to the Compensation Board, we keep meeting these injured workers and a very high proportion of them involve back injuries. Somehow, some way, I think we have got to come to grips with that. I don't know what the answer is, I'm not an expert in this area; but I don't see any evidence that anyone is doing very much about it. Maybe this is the place to take a look at that.

Even from the financial point of view, even if we can't persuade your ministry or your government or the Workmen's Compensation Board or industry to take a look at it for other reasons, maybe it should be examined just from the financial point of view. I just draw attention to one little section here from this particular London Free Press statement: "The federal labour department estimates accidents and job-related illnesses or disease cost workers in industry \$800 million in lost wages and compensation claims last year." That represents more days of lost production than our horrendous strike record in this country. So even from an economic viewpoint, we should come to grips with this kind of an issue. Finally, in terms of prevention, I think that we need to do an education job in this province. Education, I would suggest, on more than one front.

First of all, we know that if this is going to be effective we have got to have skilled professionals to move into the field in terms of inspectors, maybe working with the health and safety committees. Yet we know from the experience of the last couple of years that we don't have enough people here to do that. We have had to import them from England and other places.

We know that our own colleges and universities are not turning out enough of these people. So from a prevention point of view, we have got to get on the bandwagon. I hope that the minister will ask her colleague, the Minister of Colleges and Universities (Mr. Parrott), that programs for these kinds of people must be implemented. And I would like to see some reference to it in here. I didn't see it. I went through the bill but I don't see it.

Secondly, if we are really going to have effective health and safety committees, there must be an education job for them as well; whether it is the Ministry of Labour or the Ministry of Colleges and Universities or some branch, I don't know which one, but there has got to be an educational program developed so that people understand, better than the average worker does, some of the things that they have got to be aware of, some of the things that they are going to be dealing with. I would suggest that education has to take at least that point of view.

[8:15]

I would like now to express a couple of concerns that I have about the legislation itself. First of all, with respect to the exemptions. I notice that the bill pretty well exempts government agencies, government services, the various employment possibilities involving civil servants or people who are funded by the government.

Let me just take a couple of examples that I think we've got to take another look at that. There's recent evidence, Madam Minister, that the labs of our universities and colleges are seriously hazardous places. We have had three reports from universities in this province in the last two or three months, stating that there are real hazards there. In one sense that may not appear to be a work place and maybe even the people who are there don't see it as a work place; but it's a work place for the faculty, and in some ways it's a laboratory work place even for the students because here, surely as part of their education, they should learn proper health and safety procedures..

If we don't have such procedures there, how can we expect people to go out into industry, go out into the construction field and into the mines without developing that kind of attitude. I don't think we can afford to leave that out; the university is one of the training grounds for our young people coming out into the world of work, into the world of industry; and it is a work place for the faculty.

Secondly, I've had contact with correction officers in the last three or four weeks, and they've expressed rather grave concerns to me about the hazard of their job. I think this is becoming general, Madam Minister. Maybe it is an issue you've got to discuss with all of your cabinet colleagues. As we tighten the restraint program in this province, I would suggest to you that people who work in government-supported agencies or institutions are going to be facing an increasing hazard in their job. In many cases, they're

going to be doing tasks that they're not fully prepared and trained for. I would suggest that they're going to be working longer hours and therefore becoming more tired. There's going to be a tendency for them to be short staffed, and what I'm trying to suggest is that in this legislation we seem to be ruling those people out—and you can speak to that if I'm wrong, Madam Minister—while on the other hand the government is instituting a restraint program which I would strongly suggest to you is perhaps going to increase the hazard of the work place for those kinds of people and for the kinds of reasons that I mentioned. I think we need to take another look at that.

Another thing I'm concerned about in the legislation is the number of places where terminology such as "as may be prescribed" is used. Really, that's a pretty general term. Let me just give you two examples; there are all kinds and I'm sure you're aware of them as well.

Section 13(2) starts off: "where so prescribed a constructor shall before commencing any work on a project . . ." and so on. Another one right over on the next page, section 15(i), "where so prescribed provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker."

That kind of thing comes up fairly frequently, and I for one, Madam Minister and my colleague from Quinte, who will be speaking to this in the committee stage even more so, must draw to your attention that we're a little bit concerned that there are just too many places where it says, "where it shall be prescribed", or "as may be prescribed." We'd like a little bit more tightening on that. We'd like that to be a little bit more precise.

I was very pleased, and I would like to go on record as saying it here, to notice section 32(1)d, on page 31, where it talks about confidentiality. Maybe I should half pose a question here, Madam Minister: I've run into a couple of cases very recently where occupational health nurses, nurses working in industry, have been dismissed. They've been in touch with officials of your ministry and apparently nothing can be done about it. They've been dismissed because they insisted upon the confidentiality of the material brought to them by workers. I hope you'll respond to this. I'm hoping that this particular section is going to protect those people.

I've talked to some of the workers in those two plants as well and the response I got from them was, "You know, there's got to be somebody around here we can go and talk to about particular problems we have,

whether it's an emotional problem, whether it's a health problem, or whether it's a social problem, without knowing the person is going to run to the personnel department or run to one of the managers and blab it all over the place."

In the most recent situation I had the personnel officer of a food-processing plant insisted the nurse in the plant tell her about the health background of several workers. She said, "I can't. It was given to me in confidentiality. I can't tell you. I'll tell you where it's a problem as far as the process is concerned, as far as the health and safety of this plant is concerned, but I can't tell you personally." That lady was fired; she was fired. She spoke to members of the Ministry of Labour and they say, "We're sorry. We don't think it should happen, but we don't have any power to prevent it at the present time."

So I'm hoping that that's what this section is for, because I think that's wrong. I think surely the workers in our industry shouldn't have to face that kind of hazard.

Mr. Martel: The member should support our reasoned amendment.

Mr. Sweeney: In terms of concerns too, let me put it in another way. One of the personal concerns I have is the number of workers who because of the economic pressures we're facing today are performing, and I say voluntarily, an excessive amount of overtime. I've polled my colleagues here and we have examples of workers taking not two shifts but three shifts. Just common sense tells me no matter what their economic needs are, and I know some of our workers have severe economic needs, the health hazard and the safety hazard under those conditions has got to be greater.

I simply can't believe those workers can be as alert, and not only for their own health and safety but also for the health and safety of their fellow workers. Just imagine a man who's operating one of those overhead cranes. He's got a load of steel he's moving along, and because he's tired he pushes the wrong button. Somewhere along the line, I would certainly hope we can discuss it with the working people themselves, because I wouldn't want to suggest we just sort of slap it on top of them, but I think there needs to be a serious discussion about some limitations with respect to voluntary overtime. I think there's got to be some real serious discussion on the subject of compulsory overtime, and even voluntary overtime. There's nothing in here which seems to speak to that.

I'm suggesting to the minister that could

be a serious safety hazard. As a matter of fact as one of my colleagues pointed out earlier this afternoon, with respect to agricultural workers there's a curious phenomenon. Most agricultural accidents occur at 4 or 5 o'clock in the afternoon, because people are tired, because they're not alert. I think there's a connection there. I don't have any statistics at all as to when most industrial accidents take place. Maybe there's some statistics that would bear me out, but I think it should be looked into anyway.

All in all, I'm pleased to speak to this bill. I think it is a second step forward. I hope we can really start looking at it more from the preventive point of view rather than just the curative point of view. Thank you.

Mr. Bounsall: I rise in strong support of the reasoned amendment put forward by the member for Nickel Belt (Mr. Laughren). I do so in the firm belief that Bill 139, the one we dealt with last November and December is a better bill than this omnibus bill which we have before us, particularly in relation to part of this omnibus bill dealing with the right to refuse work where the worker feels health and safety are in danger. The right to refuse is definitely weakened by the addition, particularly, of section 21 (11) under which a worker can be disciplined if it's found his or her grounds for concern, and his or her grounds for refusing to work, may not have been proven when the investigation has taken place. What this does is definitely establish in this Act a means of intimidation of any worker, an intimidation which is likely to cause workers not to seek the protection which the Act purports to give that worker.

We went through that whole sequence with the legislation we had before that is, Bill 139. According to the Act under which workers worked previously they could refuse work only to be told, of course, by their foreman, that they had to go to work if in his opinion it was deemed feasible. This was the bill under which they worked prior to Bill 139. If they insisted upon it they were, of course, disciplined.

In Bill 139 we definitely did have a step forward, because on reasonable grounds workers could refuse work. In the Ministry of Labour estimates of this fall we were told, in no uncertain terms, that this section was not abused, had not been abused. Then the minister comes in with section 21 (11) in this bill, and this will cause every employer, if it's finally proven by the Ministry of Labour inspector that whatever site or machine involved is not unsafe, to then invoke section 21(11) against the workers. That's intima-

tion. All you have to do is have it once in one plant. This is the way the Act reads.

Hon. B. Stephenson: It isn't.

Mr. Bounsall: If it doesn't do that, then take it out of this Act. Get rid of it so there's no doubt in the workers' minds in this province that they have the right to refuse work until that location is proven safe.

The minister's figures over 10 months have not shown that workers have taken undue advantage of this under the earlier Act, by her own admission and by her staff's own admission. This is what makes this bill a step backwards, not just a step aside. It certainly isn't a step forward when you have sections about the basic right to refuse—the real guts of this bill, in terms of how it affects the lives of workers in that work place—which make workers subject to intimidation the way the new section of this Act does.

I, along with the rest of my colleagues who have spoken from the New Democratic Party, expected this omnibus bill to be a much stronger bill than it is on the basis of the remarks the minister and one or two members of her staff made at the time of the discussion of Bill 139 last fall. Time and time again we heard from the minister, and a couple of her staff out in the corridor, as we were going through it clause by clause, that it was only an interim bill and what were we doing offering our detailed amendments to it. They said: "Trust us. We will be bringing in the omnibus bill"; or words to this effect.

We were a little leery of that. That's why we continued with our amendments, only to find this bill before us which, in my opinion, is not a step forward and does not include any of the specific commitments given by them to include some of our concerns. We were told: "Wait until the omnibus bill. We haven't got much time this fall, but this will work in the interim until we can bring that in. You'll be surprised, pleased and so forth, at some of the things we'll have in it." Those were the words that I heard; yet we have this bill which does not include what we felt to be the key provisions.

Certainly one of them was mandatory health and safety committees, which our reasoned amendment put as point number one. Here again, I simply cannot understand the minister's or the ministry officials' attitude.

Mr. Speaker, I will wait until I have the undivided attention of the Minister of Labour. I think it's only right that she, and not only the staff, hear what I have to say about this bill.

[8:30]

I cannot understand how this minister or the ministry staff does not think it reasonable to make use of all those front line workers out there—who know the conditions in the plant, who know the conditions in the work place and who already know what should be done to improve working conditions, or with a little bit of training could be brought to that point—to use these people in ensuring that across Ontario we have more healthful work places. By refusing to make health and safety committees mandatory in our work places across Ontario, you are not giving the opportunity to those people most concerned about their own conditions the opportunity to have input on it. As we have seen in the last 10 months, the minister has really not used her powers to appoint committees of health and safety around this province.

How, except through the creation of mandatory safety committees, will the unorganized workers in this province ever hear about this bill? However circumscribed they might be by section 21(11), how will they ever hear that they have the right to refuse work if they consider the machine, device, thing, or work place unsafe?

Hon. B. Stephenson: We send them copies of the bill.

Mr. Bounsall: You are going to send it to every unorganized worker in the province, are you? You know how effective that is.

Hon. B. Stephenson: Are you suggesting that they can't read?

Mr. Bounsall: No, I am not suggesting they can't read, just how you best bring it to their attention. You know that's not a very effective way, and if that's your answer, that's one great big cover-up for not doing anything proper in health and safety effectively in this province.

Mr. Laughren: You don't even know who the unorganized workers are.

An hon. member: She doesn't even know what a worker is.

Mr. Bounsall: You are not as serious as some of your staff would like you to be, and neither is the cabinet, about health and safety in this province.

Hon. J. A. Taylor: Shame.

Mr. Bounsall: Darn right it's a shame. You are guaranteeing me that you have a mechanism, Madam Minister—

Hon. B. Stephenson: Absolute balderdash and you know it; you are standing and prevaricating.

Mr. Bounsall: I apologize, Mr. Speaker, for replying in the context of my speech to

the minister's interjections. She has plenty of time to answer when her own time comes.

Answer this one. You are therefore guaranteeing, by your attitude and your remarks, that virtually no unorganized worker in this province is going to be unaware of the rights he has to refuse work under unsafe conditions.

Mr. Laughren: You are going to send them as a bill, are you—a copy of the bill?

Mr. Martel: You are going to protect them.

Mr. Bounsall: You have a mechanism to ensure that each one of them becomes aware, I gather. You can tell us when it comes time for you to reply, just what mechanism you are going to use to achieve that.

I also feel very strongly that we must actually see in this bill that the coverage has been extended to all groups that are now excluded. We have the minister's assurances, in estimates and in comments today with reply to other speakers, that coverage will be extended. But I for one will have no assurance whatsoever until I see it in the bill.

We have seen Bill 70 follow Bill 139 with certain assurances having been given at the time of Bill 139, but it does not appear in this legislation, in Bill 70.

I would be interested in the minister's reply on whether the new section 1(26) of the bill, in which "work place" is defined to include site locations, space, et cetera, "at, upon, in or near where a worker performs work," in fact will cover some of the exclusions which we have had in the past.

At least one of your ministry staff knows about the situation of the plant protecting workers down at the Chrysler plant in Windsor. They were ordered by the Chrysler Corporation, in the absence of city police from time to time or their lateness at arriving at the job, to go out and direct traffic on the street. Not having had any training, and in the initial instance not having any of the protective clothing devices, one or two of them invoked Bill 139, saying that it was not safe and they were worried about going out there; they tried to achieve their rights. Of course, one finds under Bill 139 that that roadway outside the plant is not the industrial site, therefore it did not cover them.

Since then the workers have been provided with some clothing which reflects light quite effectively, with some proper flashlight devices, and are now getting some training from the Windsor police. But in the initial instance, and for some weeks, that situation prevailed. I would like assurance from the minister that that sort of situation is covered when you say

"near a worker's work place"; that they have the right to refuse should that situation arise.

My colleague the member for Hamilton East (Mr. Mackenzie) mentioned the situation that the workers on the Brewers Retail trucks run into when they come to an establishment where they are unloading their kegs of beer. If there is an unsafe condition pertaining there they have of course been caught out as well.

If those examples are all going to be covered by the wording you have in section 1(26), I would like to have the minister acknowledge that. The Industrial Safety Act apparently pertained only to a particular industrial site itself, but the inclusion of "near where the worker performs work," means these two situations will in fact be covered, is that correct? If not, let's see it specifically in the bill.

It will come as no surprise to the minister that I feel the bill must, as our reasoned amendment says, have pretesting of all substances introduced into the work place before their introduction. The toxic substances section of this legislation is extremely weak; standards of course need to be set for a whole host of additional materials, well beyond what is contemplated in this bill.

As do all the members of our party, I feel that this legislation is not sufficient to meet the needs of Ontario. In fact, it has sufficient anomalies in it, particularly section 21(1), that we don't need to proceed with this legislation until it comes back in a much improved form. We agreed with those sections of the labour movement that have contacted us and said: "We can better live with Bill 139 than we can with this bill." That is why we have introduced our reasoned amendment asking the minister to go back and get these committees worked in. If the opposition party on our right will accept that, when you bring this bill back in with these directions in it we would have a bill which would be an improvement over Bill 139.

This bill before us is not, in my opinion—and certainly in the opinion of the sections of the labour movement who have spoken to me—an improvement. We would be best to live with Bill 139 rather than this bill.

So take your time. Take two, three or four months, if necessary, drafting these amendments—which you don't believe in, that's why it might take you that long to draft them—before you bring it back to us. In this instance we can wait, from what I see in this bill.

I say to the Liberals, who I understand will not be supporting our reasoned amendment, that this is the only way we can be

assured, really, of getting the improvements which we have in our reasoned amendment into this legislation.

Mr. Sweeney: You don't have any confidence in yourself.

Mr. Bolan: We will do the amendments.

Mr. Bounsall: We will, as you know, move each of these amendments in committee. What we are concerned about is that some of these changes are simply too broad to be in fact in order in committee, because they change the intent of Bill 70 too drastically. We are not about to take that chance.

Mr. Reid: How long have you been here?

Mr. S. Smith: You are wrong as usual.

Mr. Bounsall: I am glad of the reaction over there—

Mr. Mackenzie: It's time you woke up and came on back.

Mr. Bounsall: —because the member for Rainy River, and various of the others who have spoken over there and have given this reaction, must then be confident that you are able to support us as we place these amendments and have them carry in committee.

Mr. Reid: Do you think you are the only people in here?

Mr. Mackenzie: We'll see how you vote the next time around.

Mr. Bounsall: We'll certainly be interested in seeing how many of these amendments you actually support out there in committee.

Mr. Sweeney: We don't change it unless it needs to be changed.

Mr. Mackenzie: You didn't last time.

Mr. Bounsall: You certainly didn't last time.

Mr. Deputy Speaker: Order.

Mr. S. Smith: We will present the amendments, you support them.

Mr. Mackenzie: Another push me—pull you, I guess.

Mr. Bounsall: Your first speaker in fact did not support the last one. The last Liberal speaker, if I recall, in his remarks on the section dealing with mandatory safety committees, from what I caught of his speech, did not support such an approach. If that's not correct, then we'll be delighted to combine outside on committee on that.

Mr. S. Smith: What nonsense.

Mr. Sweeney: Read Hansard.

Mr. Bounsall: There is one key point on which there is no agreement as to whether or not it can be done by committee. This

amendment is the only sure way that we will get the regulation before us with the bill.

Mr. Reid: And you would hold it up even longer. It would be held up.

Mr. Bounsall: Yes, you're darn right.

Mr. Reid: That is the most irresponsible thing you have ever done; completely irresponsible.

Hon. B. Stephenson: Absolutely stupid.

Mr. Bounsall: Bill 139, as it stands, is a better bill than Bill 70; and to proceed with this bill in the face of a better bill already in the statutes, for those who are interested in workers' safety in this province is simply not acceptable.

The only way we'll get the regulations before us, is to have this reasoned amendment carry—

Hon. B. Stephenson: Oh, it is not.

Mr. Bounsall: —so that we will be able to see the standards, the guidelines and the directions—

Mr. Sweeney: You would let somebody else make the decisions for you.

Mr. S. Smith: You would let civil servants do it for you; we can do it ourselves.

Mr. Bounsall: —and have them before us at the time that we debate this bill. I would like to see the regulations. I think they're very important in this bill. This is the only way that we'll see them in connection with this bill.

Mr. Reid: You won't see them if you hold up the bill.

Mr. Sweeney: Regulations flow from legislation.

Mr. Bounsall: You sure won't see them as you go out there making statements to the bill in committee.

Mr. Riddell: I speak for the agricultural industry on this particular bill. I would like to compliment the minister for the approach that has been taken to develop this omnibus bill. Effective legislation is developed when the Legislature provides for open consultation with the parties to be affected by the proposed legislation. A series of meetings were held earlier this year by the minister, which is a good example of such action. When I sat here this afternoon and listened to the leader of the NDP party talk about the—

Mr. Wildman: That is redundant.

Mr. S. Smith: It is indeed.

Mr. Riddell: —the lack of confidence and trust that the trade unions had in the min-

ister and in the occupational health and safety division of the Ministry of Labour, I just had to think, "Where is the lack of trust?"

Mr. Martel: I'm going to show you in a few minutes.

Mr. Riddell: I'm inclined to think that the labour unions are lacking confidence and trust in that party right there, and they're starting to look to the Liberals—

Mr. Sweeney: About time they learned.

Mr. Riddell: —for a way to help them with their problems.

Mr. Bounsall: They sure will need help with you.

Mr. Gregory: They are really in trouble. [8:45]

Mr. Kennedy: They'll be in real trouble.

Mr. Riddell: I have to give credit to the minister for seeking the advice, not only from the labour section of the Ontario Fruit and Vegetable Growers Association, but from the Federation of Agriculture and the Ontario Farm Safety Council. When she spoke in January to the labour section of the OFVGA, she launched right into her speech without prefacing her remarks with the great things the Tories are doing or have done, or without telling any stories. But the first question she asked was, "Should occupational health and safety standards for the agricultural industry be established by legislation?" And she goes on to say that she wasn't at the meeting to answer that question but to find answers to the question by those who are directly involved with the agricultural industry.

She asked if there was a need for occupational health and safety standards in the agricultural industry and could legislation fulfil that need? If legislation were introduced would it be successful in achieving its goals? She quoted some statistics indicating that deaths had increased 32 per cent, lost-time accidents were declining, but on the other hand time-lost accidents were increasing. I couldn't understand what the difference between lost-time and time-lost was, so my good friend the member for Huron-Bruce (Mr. Gaunt) went over and spoke to the minister's deputy and he came back and said that really there isn't any difference at all.

Mr. Gaunt: I am the "gopher" for the member for Huron-Middlesex; I go for this and go for that.

Mr. Riddell: After we sorted through it, we found out that there is essentially no difference, but that what the minister was

trying to point out was that there were fewer and fewer accidents related to the agricultural industry, but overall industrial accidents were increasing.

It was nice to know that the accident risks in the agricultural industry are declining, yet it still ranks among the most hazardous sections of the Ontario economy. There is no question that there is a need for a special effort to create a safer and healthier agricultural work place, but I just don't believe that legislation of safety standards will improve the situation.

The reason I say that is because of the complexity of the work place; weather conditions, the seasonal nature of agricultural work, long extended hours during peak periods, machinery and equipment designed and manufactured to different standards for agriculture than for the same equipment used in industry, the fluctuating number of workers involved with the inherent job-training programs—in other words all these things show that agriculture requires special consideration in the development of occupational health and safety legislation.

The development of such legislation must be by consultation with farmers and farm organizations. As I have already indicated, the minister has sought out the advice of these organizations; and there is no question that farm organizations will support the extension of health and safety legislation to agriculture, provided it is developed by the Ministry of Labour in consultation with an agricultural advisory committee.

I am pleased to see that the minister did follow the directions of the Ontario Federation of Agriculture and the Ontario Farm Safety Association and the Ontario Fruit and Vegetable Growers Association by naming Mr. Peter Fisher to the advisory board. That was the one name they recommended and that was the name the minister used. You are certainly to be commended for that.

The farm organizations, I can say, support the intent, and realize the need for occupational health and safety regulations in agriculture, so do I. Whether such legislation should be extended to other workers should be a matter for consultation between the Ministry of Labour and the various groups concerned.

The legislation should make provisions for standards of safety by regulation. No part of the bill should apply to agriculture except by regulation.

Mr. Laughren: Oh ho; here now.

Mr. Riddell: Yes, you are going to learn

something here about the agricultural industry, Floyd.

Since each segment of agriculture requires particular knowledge and skills, and because work is performed under a wide range of environmental conditions, unsafe conditions in agriculture should be covered by separate regulations.

Unsafe conditions rather than unsafe work should be described. There must be provisions made for exemptions where standards for machines would make the machine impractical or inoperative. An example is the roll bars on the tractors used predominantly in orchard work. I think we're going to see more roll bars coming out on the new tractors. We hear a little bit about retrofit, where they're going to try to get some of these roll bars installed on older tractors as well.

Mr. Wildman: What about power take-off?

Mr. Riddell: What about it? Do you know what it is?

Mr. Wildman: Yes.

Mr. Riddell: Okay.

Mr. S. Smith: He has it on his hot wheels toys.

Mr. Riddell: An appeal procedure would be developed by the advisory committee in conjunction with the ministry to hear appeals from both employers and employees as to employees' refusal to perform work under unsafe conditions.

Protection for the employer against the frivolous or unjustified resort to the right to refuse to work should be established by regulation. Protection for an employee who is unjustifiably disciplined for refusing to perform work under unsafe conditions should be provided by regulation. The employer should have the right, under conditions established by regulation, to provide alternative assignments and or temporary layoffs. The employer should have the right to assign the disputed work to another employee until the agricultural health and safety appeal committee has resolved the dispute. The objecting employee should have right to full remuneration preceding resolution of the dispute, provided he is willing to perform alternate work during the dispute, and providing there is work available.

The whole concept of joint health and safety committees, and the designation of health and safety representatives, is based on organizational and social structures existing in industry. It does not take into account the organizational and social structures existing in agriculture. There is, however, a need for arbitration, investigation and expert information. The establishing of a body to

carry out these functions should not be at the ministerial discretion. The development of the arbitration system should be by the minister in close consultation with the joint advisory committee to which I've alluded.

Few, if any, chemicals are used in agriculture other than pest control products. The control of such products and their use is regulated by the Pesticides Act, Ontario, 1973, and the Pest Control Products Act, Canada. Therefore, further regulation is not required at this time. If, however, standards are required in the future, there should be guidelines recommended by the advisory health and safety committee, as indicated by records and experience, for the protection of health and safety.

The advisory council on occupational health and occupational safety should study, research and advise the minister on matters of occupational health and safety. Such a body should have funds available for research projects which may be contracted for with private agencies or universities. Such an advisory body should be composed of at least one representative of farmers, with the support of the advisory committee. The advisory council should be a research and an advisory body for the ministry, and through the ministry to any arbitration system established.

Farm organizations choose not to comment on existing regulations under the Industrial Safety Act, the Construction Safety Act and Mining Act; any omnibus bill should contain provisions for similar requirements to cover agriculture by regulation. Such regulations should be approached from the point of view of ease of implementation, and simplicity of explanation and enforcement, so that the desired objective of overcoming unsafe and unhealthy conditions will be achieved. Separate regulations dealing with unsafe conditions rather than unsafe work should be drafted. Initial regulations should cover protective structures for tractor operations, guarding and shielding of farm equipment—that's where you would guard the power take-off—

Mr. Wildman: That's right.

Mr. Riddell: —and personal protective equipment. It is imperative that when regulations are in place any established standards must apply to new equipment only.

Exemptions must be established for existing equipment on farms, as well as for new equipment, when standards for such equipment would impede or prevent its operation. Agriculture should be brought under the Act by regulation and by sections as above.

Each section should be considered separate from the others, and regulations appropriate for one section prepared and introduced before attempting to bring other sections under the Act.

Since there are few precedents where health and safety regulation apply to agriculture, and since many of the work conditions in agriculture are beyond the control of either the employer or the employee, contraventions must be dealt with in a manner consistent with responsibility.

Existing provisions with respect to prosecution and remedies upon conviction are not appropriate to agriculture.

The farm organizations recommend the careful study of conditions, followed by the development of regulations by the advisory committee and the establishing of provisions appropriate for the contravention of the regulations. There should be a distinction made between regular work and emergency work. In the event of an emergency, it may be in the public interest to waive conditions.

Compilation of data relating to health and safety in agriculture should be the responsibility of the Workmen's Compensation Board, the Ontario Farm Safety Association and the agricultural section of the advisory council on occupational health and safety. Analysis of data should be the responsibility of the health and safety advisory council. Dissemination of information to employers, employees, farm organizations, associations and others should be the responsibility of the Minister of Labour, who may use the advisory council and the Ontario Farm Safety Association as the disseminating bodies. Accident prevention associations should continue to promote safety and accident prevention.

These are some of the many recommendations made by the farm organizations, namely the Ontario Federation of Agriculture, the Ontario Farm Safety Association and the Ontario Fruit and Vegetable Growers Association. I believe the minister has lent an ear to many of these suggestions, and I do hope that she will look favourably upon them.

In conclusion, I just simply wish to state that the farm organizations support the application of health and safety regulations to agriculture, but only after careful study of the effect of such regulations on each segment of agriculture. Such regulations must be introduced over a period of time and under close consultation with the various farm organizations which I've already mentioned. Thank you very much.

Mr. Deputy Speaker: The hon. member for Sudbury East.

Mr. O'Neil: He's going to switch over with us.

Mr. Martel: You've got to believe it.

Since 1967, I have spoken about health and safety in the work place. I might say that in conjunction with my friend Paul Falkowski from the United Steel workers, I was one of the first ones involved on cancer related to working in the sintering plant in Copper Cliff, where some 50 men, I guess, have lost their lives. We had to fight like mad; we literally had to fight like mad to get recognition—despite the government, not because of it. In my opinion, this is the most corrupt government going when it comes to health and safety; the people who have been in some of the various departments of the ministries are a disaster.

The Ministry of Natural Resources and its mine section is the biggest disgrace on the face of this province. We not only got involved in health and safety, my friend Falkowski and I, in trying to bring compensation benefits for the wives of the workers in the sintering plant at Inco in Sudbury, we were also the first ones to be involved in that long dispute at Elliot Lake when the government was so busy covering it up.

For 13 years—I remind you of the corruptness of this government—for 13 long years the government hid what was going on.

In 1961, an Ontario Department of Mines report said: "In the Elliot Lake mines there is both a dust and radiation problem." They indicated at that time something would have to be done, and it would have to be carefully screened based on the experiences from other jurisdictions. That came only several years after the Senate investigation in the United States. For 13 years, this government sat on its haunches and it watched workers die.

They fought us, I remind you, in 1973 and 1974, until the Steelworkers had an illegal strike.

Mr. Laughren: That's right.

[9:00]

Mr. Martel: Minister after minister on that side of the House, as I raised these issues, told me I was exaggerating. Allan Lawrence; remember him, the "white knight"? George Kerr; do you remember him? He's still here. Matt Dymond; do you remember him?

I remember them all as they told me there was nothing wrong with the men who were dying from cancer as a result of working in the sintering plant. If it hadn't been for one

doctor in Hamilton, Dr. Cecilion, these men today still wouldn't have the benefits, because this government and its lackeys hid the facts.

I'm going to quote some of the letters that came into my possession during those years; then you jokers can tell me to have faith, blind faith and trust in what they're going to give us. I tell you you're wrong.

Mr. S. Smith: And you're the one who is giving it back to them.

Mr. Martel: Don't be so convoluted.

Mr. Davidson: Tell them how you voted on the last bill.

Mr. Acting Speaker: Order.

Mr. Martel: I read the debates from Bill 139. I well recall you gentlemen voting against those same amendments. You can't have it both ways. You can't dribble out both sides of your mouth; you can't suck and whistle at the same time.

Mr. Riddell: If your car was to break down you'd probably send it back to the factory instead of trying to fix it yourself.

Mr. Martel: You can't suck and whistle at the same time, and that's what you want to do.

Mr. Acting Speaker: The member is becoming repetitious.

Mr. Martel: You had an opportunity and you voted against every amendment.

Mr. Sweeney: Take a look at yourself.

Mr. Riddell: You fellows encounter a problem and you don't try to resolve it.

Mr. Martel: The minister wants us to have blind faith in her and those people.

Hon. B. Stephenson: No, no; I wouldn't ask that of you, Elie, not blind faith.

Mr. Mackenzie: You were just kidding earlier, eh?

Mr. Martel: In the Elliot Lake situation, had it not been for union pressure and the assistance of this party, the Ham commission would have never come about; and you want me to believe that the unorganized workers are going to somehow be protected.

I remember the battles when I went to the then Minister of Labour and minister in charge of mines and said: "When the men walk off the job will you protect them?" They said: "No." That was 10 years ago. They had unions; do you want me to believe that the unorganized are going to be able to face the onslaught of a major corporation? Who are you trying to kid?

Hon. B. Stephenson: Nobody, absolutely nobody. Only you would try to kid somebody.

Mr. Martel: Well you certainly are, but we're going to come to it. We should believe with blind faith and we shouldn't say to the government: There's been too much collusion between management and the companies that we can't have anything unless we write into law what we want. If it isn't written into law it is not worthwhile having, because your track record is something less than envious.

Let me give you a couple of examples, for the minister's edification as she sits here. We caught your friends in the mining industry with their finger in the pie—

Mr. Laughren: Guess whose finger was in there with theirs?

Mr. Martel:—with respect to a number of violations of the Mining Act. Listen to what your inspector said to the "white knight" in his letter, which wasn't supposed to come into my possession: "Both the hoistmen and the immediate supervisor would have to be summonsed. I do not know if there is a case against the company. I certainly advise that the department should prosecute. The minister would have a difficult time in Parliament answering Mr. Martel if we do not prosecute."

Did they prosecute? No way. It was a violation of the Mining Act, far in excess of the hours laid down by the minister's own Act. Did they prosecute? No, not at all; it was never raised. That letter wasn't supposed to come into my possession. That's a simple case. It's a violation of the Act, but there is the minister's staff saying: "We'll have difficulty answering Martel if he should raise it in the House if we don't prosecute." That the company was violating wasn't the worry; the worry was that the minister would have difficulty in answering.

Yet you want me to accept your crazy Act; when these people here are the same, when nothing has changed.

Let me give you another nice example. For two and a half years, my friend Paul Falkowski, and I fought to try and get the drinking water improved at the smelter in Sudbury, at Copper Cliff. And for two and a half years they told us we were crazy. Allan Lawrence said—

Hon. B. Stephenson: They were half right.

Mr. Martel: Maybe; in your case, they would be totally right.

Mr. Wildman: Did you say they were half-wits?

Mr. S. Smith: You mean they should have done it for five years.

Mr. Martel: You know it might be funny, Stuart, except that they had medical evidence on record over there that people in the town of Lively, and the men in the smelters were getting sick—

Mr. S. Smith: I agree with you.

Mr. Martel:—from the drinking water. And what did these people do? Let me tell you.

"Free potable water at Inco." A letter from dear Bert Lawrence, Minister of Health of the day, to none other than George Kerr. You know them both. Let me read:

"This is further to my letter of June 2. The staff of my department are aware of the complaints relating to the quality of drinking water, not only in the Copper Cliff operation but also in Port Colborne.

"A meeting has been held with representatives of the water resources commission. . . . I am pleased to note that this has been done by Mr. Caverly." They noted the problem. They noted that the medical staff in the town of Lively and in Port Colborne were aware that people were getting sick.

Dear Bert writes back. He said: "Dear George: Thank you for your letter. I have referred the correspondence to my people."

That went on for a while and then George Kerr writes back to his friend Bert and he says: "Bert: I am attaching hereto a copy of a memo from D. S. Caverly, general manager of OWRC, regarding this matter. You will note that it is a most unsatisfactory report and that it would appear that little or nothing has been done to correct the situation." Inco, of course, is more or less noted for its apathy to problems such as this.

There was then a memo from Gordon Hampson, who was the executive assistant to George Kerr. Gordon Hampson puts out a little memo in this little escapade and he says: "You will recall numerous complaints by Elie Martel and Paul Falkowski, regarding the quality of drinking water at the Copper Cliff smelter. I have now received the attached report from Dave Caverly which in fact admits that everything these gentlemen have been saying is true. You will note particularly the first paragraph of Mr. Caverly's memo of May 19 which indicates that complaints have been received for two or more years."

An hon. member: Elie, she doesn't have anything to do with this.

Mr. Lewis: That's quite germane. There have been coverups in occupational and environmental health for years. Why should we trust them now?

Mr. Martel: Two or more years, he said.

And it goes on: "And there are now medical reports to the effect that there has been an increase in stomach disorders in the town of Lively since this water system was connected to the same source of supply."

He writes further: "I am absolutely shocked to think that all we are apparently doing is requiring Inco to take interim measures to improve the water being distributed in the smelter. You will note in the second paragraph that Inco has apparently done nothing to proceed with the construction of the water treatment plant to improve the system, although a consulting engineer was hired in 1969."

This is, by the way, 1971.

"It is no wonder that people vote NDP in the Sudbury area."

That's Gordon Hampson, executive assistant to George Kerr. Of course this wasn't supposed to get into our files. It shows you the collusion—

Mr. Riddell: Times have changed, that was 1971.

Mr. Martel: —the absolute collusion between the government of Ontario, knowing full well that people were getting sick, there were medical records on file to indicate this, and this government covered it up.

And the minister says: "Have faith, baby, have faith." That's what you have told us all afternoon.

Hon. B. Stephenson: I didn't say "baby," not to you.

Mr. Martel: That's what you told us all afternoon. No, not the "baby" part; but have faith. In whom, might I ask?

Well I'll tell you about another one. You talk about health and safety, Madam Minister, this one will really intrigue you.

In late 1970, 62 men from the United Steelworkers walked off the job in Sudbury, and the minister of the day was approached. We outlined it to the minister. The company had given warnings to 62 men; they were disciplined. Despite the fact that it was confronted by one of the most powerful unions in Canada, the company disciplined 62 men. We wrote to the minister to try to get this changed, to try to get the government to move in and to assist those 62 workers who were being disciplined.

We wrote the minister a nasty letter and said, "You know, we think there is some collusion on this one between the government and the company." And Allan Lawrence wrote a nasty letter back to us; oh he was so upset. He said: "In respect of the latest reference in your letter concerning my com-

mitments with the company, the accusation is so ridiculous that no comment is necessary."

Hon. Mr. Rhodes: That's not nasty; wait until you get one from me.

Mr. Martel: Now let me read the letter. I want you to listen, John, to the letter.

Hon. Mr. Rhodes: I've heard it before.

Mr. Martel: I hope you have.

Mr. Lewis: But you enjoy it each time.

Mr. Martel: There was the minister writing to us and saying that we really couldn't say there was any collusion between the company and his ministry. It was nasty of us to even suggest it.

It says: "Your letter dated August 25 has been received pursuant to mine of July 14." I must find another letter before I go on, because I want to read the two of them to you.

Hon. Mr. Rhodes: Jean-Jacques Blais has foiled you again.

Mr. Martel: The mails were being pilfered even in those days, John.

Hon. Mr. Rhodes: And you're on the list.

Mr. Martel: You're right. There are a couple of interesting letters here. I'll read a paragraph from one and then a paragraph from the other, so that you will get the full flavour of it.

Hon. Mr. Rhodes: Tell us which one.

Mr. Martel: I am reading the Minister of Mines' letter, to us—the "white knight," "Lawrence of Ontario." "Lawrence of Ontario" said to us, in the second paragraph: "Due to the nature of roasting and smelting operations, and despite thorough and continuing maintenance procedures, conditions involving high SO₂ readings do occur from time to time in areas of the roaster building. As the process is continuous and is not amenable to frequent starting and stopping without the danger of damage to installation, it is necessary to keep equipment operating despite these conditions. The occurrence of these conditions is not continuous, however, despite claims to the contrary, and this is indicated in readings obtained to date by our SO₂ monitor." That's Allan Lawrence's paragraph.

Now, the other letter—

Hon. Mr. Rhodes: Who is that from?

Mr. Martel: I want you to hear the paragraph first, John; listen to the paragraph. I am quoting yet another letter; and you will appreciate this, Mr. Speaker.

Mr. Speaker: It might be helpful if you spoke to the Chair.

Mr. Martel: I am looking directly at the Chair.

"Due to the nature of roasting and smelting operations, and despite thorough and continuing maintenance procedures, conditions involving high SO₂ readings do occur from time to time in areas of our roaster building. As the process is continuous and not amenable to frequent starting and stopping, without the danger of damage to installations, it is necessary to keep equipment operating despite these conditions. The occurrence of these conditions is not continuous, however, despite claims to the contrary, and we feel this will be evident when the readings obtained by the department monitor become available."

Hon. Mr. Rhodes: It came from Inco.

Mr. Martel: Don't they sound alike?

Hon. Mr. Rhodes: It came from Inco.

Mr. Wildman: He would rather harm people than equipment.

Mr. Martel: Signed by Charlie Hughes, superintendent of safety, in a confidential letter to the "White Knight, Lawrence of Ontario."

Mr. Laughren: No collusion!

Mr. Martel: No collusion; no, no; no collusion. They just write in a similar style.

[9:15]

Mr. Lewis: And you know why we don't have health and safety committees in local 6500? Because it continues today.

Hon. B. Stephenson: Balderdash.

Mr. Speaker: The member for Scarborough West has already spoken in this debate.

Mr. Lewis: You're right. I'm sorry.

Mr. Laughren: Nothing has changed.

Mr. Lewis: Nothing

Mr. Martel: Nothing has changed.

Hon. B. Stephenson: It certainly has.

Mr. Laughren: It has not.

Mr. Martel: The collusion persists.

Hon. B. Stephenson: You don't know.

Mr. Laughren: What do you mean, I don't know? Of course I do.

Mr. Martel: Either that or Charlie Hughes and Allan Lawrence—their styles were similar—to the word.

Hon. Mr. Rhodes: Both lawyers.

Mr. Martel: No, Charlie's not. I'll go on—it's a good letter: "The source is located and all practical preventive measures are taken as quickly as possible to stop the escape . . . or provide extra ventilation to disperse it."

Now we'll read from Charlie Hughes' letter: "The source is located and all practical preventive measures are taken as quickly as possible to stop the escape of SO₂ or provide extra ventilation to disperse it."

Now there's no collusion! No, no. There's no collusion between the government of Ontario and Inco and all the minions that—

Mr. Gaunt: Just accurate telepathy.

Mr. Martel: Very accurate. Right on. And you want us, and you want people in the trade union movement to have faith?

Mr. Laughren: Not a chance.

Mr. Martel: You've got to be kidding, baby.

Hon. Mr. Rhodes: It's you, baby—it's you, sweetie.

Mr. Martel: I want to tell you, Mr. Speaker, if you think anybody in the trade union movement trusts something that this minister might do—

Hon. Mr. Rhodes: She is lovable, look at her.

Hon. B. Stephenson: That will be enough out of you.

Mr. Martel: That might be the case. Unfortunately, the minister might not be there five years from now. On our past experience with Allan Lawrence and with George Kerr and with A. B. R. Lawrence, and every cabinet minister responsible we have found collusion.

Mr. Laughren: Nothing has changed.

Mr. Wildman: What about a guy like Leo Bernier?

Mr. Martel: Bernier? My God, it was even worse. It's even worse.

Mr. Laughren: That was collusion combined with confusion.

Hon. Mr. Rhodes: Hold on—no reference by name—come on.

Mr. Martel: You talk about us being demanding, everything written in the bill. We have no options. We simply don't. Because there is that case, with a union as big as the Steelworkers and as strong as the Steelworkers, 62 men were penalized. And you tell me, where the people are unorganized, who is going to protect them?

Hon. Mr. Rhodes: And no alternatives.

Mr. Laughren: Not the minister.

Mr. Martel: Who is going to protect them? In this case the gas was so bad that the workers were getting sick, and I talk about workers who were used to that type of gas. Some of the members who were in Sudbury

on Monday and in the smelter for a very short time—I saw them as they grasped the railing when the gas got too bad. They coughed, they wheezed, their eyes ran—and they were there five minutes.

Mr. Lewis: Unfortunately, you all came up.

Mr. Laughren: The member for Armourdale (Mr. McCaffrey) almost passed out.

Mr. Martel: Yes, he's right.

Mr. Kennedy: I didn't go.

Mr. Laughren: He grabbed hold of me and said, "Get me out of here."

Mr. Martel: So the minister can see she can't expect us to rely on this government to write a bill in a way that is going to provide any type of protection for the workers.

Let's go through it.

We've got our thing on Redsell. Our reasoned amendment say that there should be mandatory health committees. I've never seen so much stupidity in my life as what is emanating from over there.

Hon. Mr. Rhodes: How unparliamentary can you get?

Mr. Martel: If the minister just made it mandatory that any plant with maybe 10 workers, as in Saskatchewan, automatically has a health and safety committee, she then doesn't have to hire a whole troop of inspectors to go out and even see if they need it. That should be left to the workers. It's their lives.

Mr. Laughren: We know why you won't do it.

Mr. Martel: How can the minister send enough people out to visit all of the plants? If there are no bad conditions, there will be no problems. But the committees should be in place.

I remind the minister that as we fought the battle of getting a monitor in Inco to monitor the SO₂, the Steelworkers' jobs were threatened, man after man, when they in fact took in Drager meters in their lunch pails to measure the gas, because the government inspectors couldn't be trusted to do it. Man after man took his job in his hands, in a sense, and took his Drager in the lunch pail to work. Management threatened to fire anyone they caught with a Drager meter, just in an effort to illustrate what the gas conditions were like within the plant—management threatened to fire them. Again, we are dealing with a very strong union. Let the minister tell me, who is going to protect the unorganized worker in the small plants against that type of conduct?

Mr. Laughren: Not this minister.

Mr. Martel: Not this minister and not this government.

Mr. Laughren: Another form of collusion, you know.

Hon. Mr. Rhodes: Send Trotsky home.

Mr. Martel: Now, the minister could simplify it and say any plant with 10 or more employees automatically has a health and safety committee.

Hon. Mr. Rhodes: You make Marx look like a John Bircher.

Mr. Martel: No sweat. We don't have to get approval from the minister.

Mr. Sweeney: What about less than 10?

Mr. Martel: We don't have to get approval from anyone; automatically by law there is a committee? If there are no problems there is nothing to fight about.

Mr. Sweeney: What about less than 10?

Mr. Martel: Well, the minister can move in with other types of regulations. I am saying the minimum. But the minister has the right—and in fact, regulation must come from the minister. Who is going to help the unorganized? You haven't got the work force to get into those plants.

Mr. Sweeney: Not organized workers.

Hon. Mr. Rhodes: Address the Chair.

Mr. Martel: I am attempting to.

I am talking about unorganized workers.

Mr. Sweeney: Less than 10 workers.

Mr. Laughren: All workers.

Mr. Martel: I am suggesting the minister could start with 10. Because I don't know how many plants there are with fewer than 10 in number.

Mr. Sweeney: That is double talk.

Mr. Wildman: What are you hung up about?

Mr. Martel: All workers, right. My colleague says all workers are still covered. But it certainly would minimize the number of places the minister's boys would have to run out to see.

Hon. B. Stephenson: They run out to see them anyway.

Mr. Martel: And girls. Yes, well, they are going to write in—companies are going to say here is a committee.

Mr. Laughren: Yes, sure.

Hon. Mr. Rhodes: You think you are kidding?

Mr. Laughren: I can imagine you pushing them out there too. We will believe that when we see it.

Hon. Mr. Rhodes: Nice control, Elie.

Mr. Martel: Right, well. And out of the monitoring in Sudbury—I am going back to where they were threatened—they gathered the expertise very quickly to do a study, area by area, and eventually the government put in its own monitors. The conditions were so bad they had no option.

Why should the workers have to go through that—the threat of losing their jobs? Don't tell me companies can't find all kinds of reasons for firing people. They can trump them up. The Minister of Labour has seen it. Her people in the employment end of the ministry have seen it over and over again. People have been fired when they tried to organize or people have been fired for any number of reasons.

Don't say the companies are not going to fire employees because they are demanding improvements which are going to cost money to the corporation if they have to clean up conditions. They will. And certainly the minister can't be that naive as to suspect they won't.

The simple way out is to not increase the ministry staff four or five times—which the minister is not going to do. The way out is simply to get as many plants as is possible to cover by some number and then move in and have the inspectors visit the smaller areas, if that is what the minister wants to do, to get the health and safety committees established. Anything less is a disaster for working people. And for us to be led to believe we should have faith is total nonsense, total nonsense, because, in fact, history has proven over and over again to me in the number of years I have been here that won't occur.

Let me give the minister another example. In 1970 or 1971 we debated The Mining Act. We brought forward, you will recall, Mr. Speaker—I believe you were there—a number of changes we wanted with respect to the workers having the right to monitor and to force change. And sitting at the meeting was none other than Mr. Douglas and Mr. Smith. You remember them.

We were trying to gain the right for workers at that time not to have to work if it was unsafe—to say no, or even to close it down. And sitting on that committee was Mr. Smith, the chief mining recorder for the province. He didn't tell us throughout that whole debate—and it lasted three or four months—that in fact in the United States many years ago they had the right to close the coal mines down when gas got too bad. If the workers felt it was dangerous, the union could say "No, we've had enough,"

and they shut it down. And then they brought in the inspectors. Smitty didn't tell us that.

And when Smitty and Douglas left, do you know where they went, Mr. Speaker? Both went to work for a mining company in Quebec where they came from originally. It's so perverse.. One could go on all night illustrating the collusion that has gone on over the years.

I recall the first question I raised in the Legislature, when I asked the Minister of Mines: "Was there an investigation in the coal plant on a certain date?" because there had been two major explosions at the coal plant in Sudbury. He said: "I don't know the answer, but I can get it for the member."

The reason I had raised the question was because friends of mine from the union phoned me on a Sunday and said: "The crews are working overtime. In fact they're working around the clock. We've had two explosions, we suspect an investigation. We suspect a mine inspector will be in. We suspect that the company is trying to clean the place up."

So I said to the union president: "Send me a telegram today, Sunday. I must get it." Which he did.

I raised it here and, lo and behold, that Monday there was an investigation. There they were, a whole group from the Ministry of Mines and they were all there doing this wonderful inspection. How did they know? How did Inco know to keep its workers round the clock to clean the place up?

Mr. Laughren: Nothing's changed.

Mr. Martel: And nothing has changed. But we should keep the faith, shouldn't we? We should keep the faith. But the Ministry of Mines had notified dear old Inco.

Hon. Mr. Rhodes: The civil servants.

Mr. Martel: Yes, Allan Lawrence gave the instructions to someone else.

Hon. Mr. Rhodes: Can you prove that?

Mr. Martel: Yes, because Allan then said to me: "You really don't want the plant cleaned, do you? That's what you're objecting to."

I said: "No, I want the plant cleaned. I just don't want management to know ahead of time. I want the mine inspectors to see the mines as they are every day—the conditions under which workers work every day, not when the management has been tipped off and you can get the place cleaned up and you can have a nice inspection."

That's why you need mandatory health committees regardless of the numbers, so you don't have to wait, you don't have to force it

in. So you don't have to say to the minister: "Conditions are bad," and she'll say: "We'll send somebody out and maybe we'll agree."

They should be there in place by law. If there's nothing wrong then the management has nothing to worry about and the workers are protected. If the minister can't see that I'm sorry, there's something wrong. There really is. There is something terribly wrong. There will be no abuse of it, if there are no problems. But why should one have to fight like hell when there is a problem to get this government to even recognize that there's a problem? It just can't be that way.

The minister simply can't say: "I'm going to have enough inspectors to spread them out around the province to investigate each of these situations." The workers should investigate the situations which affect their lives and if there are bad conditions it's up to the ministry, along with those committees and the management, to get it cleared up. Anything less can't be acceptable.

That's the first part of our reasoned amendment; the second part would fall into place if it were accepted that the committees be mandatory. The second part of our reasoned amendment would fall into place, because of the fact you'd have all the workers covered. They aren't under this bill, but they would be and there would be no need to play the childish little games. There would be no need to fight your guts out to get recognition of unsafe conditions.

The workers would report if the conditions were bad and that's the way it should work. It shouldn't be deigned from on high from the deity and the minions who run around in the Ministry of Labour and in particular from people who are supposedly interested in health. My experience tells me that some of the good doctors who have been involved in Health should have given up the practice of medicine a long time ago. Really should have, they're a disgrace to the profession, particularly in that ministry.

I can name them. Remember the Muller report? I remember it well, in Elliot Lake, the report said, three to one. You'd think those doctors would have come out screaming to protect those workers, but no way.

Mr. Lewis: That's right, a scientific paper in France, not in Ontario but in France.

Mr. Martel: Boy, I'm telling you, doctors—a good horse doctor would have done more for horses. They would have shot them.

Mr. Laughren: They'd have done more for people.

[9:30]

Mr. Martel: Those people are a disgrace to the profession.

The second point is that we'd have everyone. We wouldn't have to worry about it.

Pretesting is the third point we raise. Certainly even today it's a fight for workers to see their health records. I want to recall another case.

Hon. B. Stephenson: It won't be under this bill, Elie.

Mr. Lewis: It has to be under this bill. Where else?

Mr. Martel: Fifty or 60 men died in the sintering plant. Is that not right? Fifty or 60 men died.

Do you know, Mr. Speaker, that for at least two years we attempted to get from Inco the list of names of the workers who worked in the sintering plant, and we haven't got them all yet.

In fact, a man from Newfoundland contacted me recently. He has had a lung removed, and I have a man from my colleague from Nickel Belt's area who came to see me. He was with a construction company when they built and started up the sintering plant, and he ultimately went to work for Inco. The minister said earlier tonight that workers will know about these health and safety committees. We've given it much advertising in the Sudbury area, the United Steelworkers' newspaper has carried it monthly and has launched a campaign to find these workers, yet here's a man right in the Sudbury area who comes into my office six months ago because he's got a lung removed and he couldn't get his claim established. Then he said to me, "But I worked in the sintering plant." Oh! He's in the Sudbury area and he didn't know, despite all that publicity. There he was in Sudbury, and we couldn't get from Inco the list of all the workers—

Mr. Haggerty: Is Falconbridge that clean, Elie?

Mr. Martel: No, no.

We couldn't get a list from the company of the various employees who worked in the sintering plant, despite two years of trying. And we're still digging them out.

Mr. Wildman: What was the point of that comment, Mr. Haggerty?

Mr. Martel: They're looking for a red herring, a way out.

Mr. Mancini: Oh, come on, Elie.

Mr. Martel: And that's what happened. Yet the minister says, "Well, they'll all know about health and safety." They won't because a campaign like the United Steel-

workers put on to find the sintering plant employees was in every newspaper, was on television, was on radio, for years, and the cases are still showing up. As I said earlier, those people in the Ministry of Health who are supposedly doctors, who for years were responsible for reporting these things did not help us.

Hon. B. Stephenson: You are a disgrace, Martel, really.

Mr. Martel: If I'm a disgrace, I want to tell the minister that the medical profession in this instance should hide its head.

Mr. Lewis: That's right. That's true. You know that.

Mr. Laughren: That's absolutely right.

Mr. Martel: Because one doctor helped us to break it, Dr. Cecilioni.

Mr. Lewis: We had a real problem getting the doctors on this—

Mr. Martel: Don't tell me about being a disgrace.

Mr. Lewis: —a very great problem getting the co-operation of the doctors.

Mr. Germa: And the Minister of Labour is the former president of the OMA.

Hon. Mr. Rhodes: We hear the Falkowski speech. Every time he shows in the gallery, we get the same speech. Every time.

Mr. Martel: John, go back to the Liberal Party, will you?

Hon. Mr. Rhodes: Oh, drop dead, why don't you? You are such an expert.

Mr. Laughren: Is that parliamentary, Mr. Speaker?

Mr. Martel: I'm not an expert.

Mr. Germa: It's because you're so incompetent that he looks like an expert.

Mr. Speaker: Could we have some order, please? We're dealing with Bill 70.

Mr. Wildman: What about the foundry in Algoma, John? Look at your own backyard.

Mr. Martel: We have the goods on you guys.

Hon. Mr. Rhodes: You are the last one to talk about incompetence.

Mr. Martel: The minister is slightly exercised, Mr. Speaker.

Mr. Wildman: Look at the foundry in Algoma. Look at your own backyard.

Mr. Speaker: The member for Algoma doesn't have the floor.

Mr. Wildman: Neither does the member for Sault Ste. Marie.

Mr. Martel: The minister is slightly exercised, Mr. Speaker.

Mr. Laughren: Guilt.

Mr. Martel: He should not be proud of what his government has allowed to happen to workers in this province. He should not. And the minister should not try to slander me because everything I'm saying has been documented over the years.

Hon. Mr. Rhodes: You are giving the Falkowski speech. Four times in a row I have heard it.

Mr. Martel: One wonders why we've had to fight. One wonders why the workers will not be given the names of all the new substances, for example, and whether or not they've been pretested.

Hon. B. Stephenson: They will. They will.

Mr. Martel: We're still trying to get the workers to see their records with respect to their work place.

Hon. B. Stephenson: But the members have to pass this bill so that it can happen.

Mr. Laughren: I have faith in you. I've heard that before.

Mr. Martel: A friend of mine is slowly dying from cancer. He's a man who worked for 20 odd years as a welder. In the United States he gathered all of the fluxes and what not and the writings on the labelling. In the United States, even for welding material, they say this is dangerous. It is not so in Canada. It is not so in Ontario. My friend is absolutely convinced that he got cancer from using various fluxes. Why does the US label them and not us if they are a danger and protective devices should be worn? But my friend Peter is dying. He's absolutely convinced that that is what is killing him.

Mr. Lewis: Look at Aime Bertrand, for heaven's sake. How can anyone have trust given that case now?

Mr. Laughren: It is still being ignored despite all the new evidence.

Hon. B. Stephenson: What new evidence?

Mr. Laughren: The minister knows full well what new evidence. The evidence piles up and she ignores it.

Mr. Martel: My friend is absolutely convinced he's dying from these things. He puts it altogether. He's not a very sophisticated fellow, but he sees all the labelling and says to himself: "Why do they label it as dangerous in the United States and not in Canada?"

Hon. B. Stephenson: I'm looking at the evidence and not just on one side.

Mr. Martel: "Why have I got cancer?" he asks.

Mr. Speaker: Will the minister and the

hon. member for Scarborough West carry on their private conversations outside the chamber?

Hon. B. Stephenson: He won't talk to me outside the chamber.

Mr. Lewis: Don't be so foolish.

Mr. Martel: He's too proud and I don't blame him.

Hon. Mr. Rhodes: He is afraid of being put on the record.

Mr. Lewis: I will talk to her anywhere.

Mr. Laughren: On the beaches?

Mr. Martel: We have the history. The member for Sault Ste. Marie said: "That's 1970-71." I remind the minister that in 1975 in Matachewan we couldn't get all the statistics as to what the men were exposed to. They far exceeded the limits and where was the government? They still won't give us the rolls of Reeves Mines.

Hon. Mr. Rhodes: We shut that down. That is what you wanted. You wanted it closed and we closed it.

Mr. Martel: What did Ham say? Let me tell you what Professor Ham recommended about the materials and what should go on with respect to the environment, the hazards of the work place:

"That there should be a statutory requirement for a metallurgical audit of origin, holdup, destination of potentially dangerous and minor elements such as lead, mercury, arsenic, selenium, tellurium, cadmium and so on, to be conducted quarterly in all reduction plants on the basis of extended standard monthly sampling and analytical procedures. That a copy of this audit be sent to the occupational health and safety authorities.

"That there be a statutory requirement for an annual audit of use by mass of toxic and hazardous reagents and that a copy be sent to the occupational health and safety authorities.

"The pilot plant studies used to develop processes and preliminary operating procedures be extended to include the measurements of factors likely to have an impact on the health and safety of the environment.

"That there be a statutory requirement for each mining company to maintain a register of servicing chemicals involved in any personal encounter associated with the medical aid or compensable injury. That the registry specify both trade name and chemical composition, and identify all known toxic chemical constituents. That the register include an audit by mass of annual use and that a copy of this register be provided to the occupational health and safety authorities.

"That there be statutory requirements for each mining company to give the occupational health and safety authority notice of intent to introduce any new reagent or servicing chemical, whose toxic characteristics are not known."

Hon. B. Stephenson: It's in the Act, Elie.

Mr. Lewis: That's not in the Act.

Mr. Martel: This should, in fact, be passed on to the workers. This should be passed on so they would know what chemicals they are confronted with every time they enter the work place. But they won't. The workers will not find out. Then Ham said there should be a file on each worker, so they would know his work history. Do you know, Mr. Speaker, that the battle still goes on, and only in the last year have we been able—

Hon. B. Stephenson: It doesn't. All you have to do is pass the Act and it will be right there.

Mr. Martel: —to get the Ministry of Labour to insist that the workers get their audio-logical test given to them?

Hon. B. Stephenson: Have you read this, Elie?

Mr. Martel: Oh, yes, I've read it. I've re-read it and I see how paltry it is.

Mr. Kennedy: Read it again, Elie.

Hon. Mr. Rhodes: Why don't you send a copy to Falkowski and let him read it?

Mr. Martel: Why don't you just leave, John?

Hon. Mr. Rhodes: I can't stand any more.

Mr. Martel: Thank God. You haven't contributed anything. You haven't contributed much for the past five or six years so you should just leave.

Hon. Mr. Rhodes: You haven't. Where's Havrot? He'll take care of you.

Mr. Martel: Mr. Speaker, I wish you would bring that fellow under control.

Interjections.

Mr. Speaker: Order, please, order. I would like some assistance from the members of the House. I would like to determine whether or not there was any agreement with regard to the allocation of time. I can recall there was an agreement that they would call for the division on the reasoned amendment at 10.15. Was there any all-party agreement as to the sharing of time up to 9.55?

Mr. Riddell: Unfortunately not.

Mr. Makarchuk: Mr. Speaker, as far as we know, the only agreement that was made this morning was that the debate would probably terminate about 10:15.

Mr. Lewis: That in itself was a mistake.

Mr. Speaker: If you have set any time limits I suggest that the time should be allocated more evenly among all parties, but I am in the hands of the House.

Hon. B. Stephenson: That would be an excellent idea, Mr. Speaker.

Mr. Lewis: Why don't you wind up when Elie has finished?

Hon. B. Stephenson: I'd be happy to, if Elie ever winds up.

Mr. Haggerty: Mr. Speaker, I have a suggestion at this time. May I add a point at this particular time?

This is rather an important bill. We spent some two days on the Municipal Act, but this is rather an important bill and I feel if you are going to have a time limit on it, each member should be treated alike. I would like to speak on the bill and so would my leader.

Mr. Lewis: That is why we shouldn't have agreed to 10.15.

Mr. B. Newman: If I may, Mr. Speaker, since the supper break at 8.25, allowing my leader 15 minutes to speak, the time would have been allocated equally between the Liberal and the New Democratic parties. That would still have allowed the minister to start at 9.55 to wind up for 10.15. The member now has used more than his fair share of the time.

Mr. Speaker: As far as I can determine, there has been no agreement as to when the vote should take place and unless I hear something definitive by way of an agreement, it's quite obvious that the vote will not be taken at 10.15. I leave it to the members themselves as to how they should share whatever time they choose to speak to this bill.

Mr. Maeck: Mr. Speaker, if I might speak to that point just for a moment, there was an agreement amongst all parties that the vote would be taken at 10.15. There was no agreement as to the amount of time that would be spent by each party in the discussion or in the debate.

Mr. Speaker: Under the circumstances, I have no alternative but to recognize each member as they rise to speak.

Mr. Martel: Thank you, Mr. Speaker. I want to speak to two final points briefly.

Mr. Mancini: Talk out the clock, Eli?

Mr. Martel: I could if I wanted to. Would you like me to?

Finally, Mr. Speaker, the real killer in the bill is, of course—and the minister is aware of the feeling of just one union, the one I was with in her presence, the Mine Mill and

Smelter Workers, who said the bill was taking them back 35 years. You recall Mr. Nitchil, don't you, when we met down the hall? He was very upset with this section of the bill. He feels that workers will be intimidated if the company has the right to go after workers if it can prove that the worker, in a facetious fashion, utilized that section of the bill giving them the right to refuse work.

The minister might call on another part of her department in the Ministry of Labour to find out how many workers have been set up and fired for trying to organize unions in other areas. She knows, and I know, that management doesn't need that clause, that that clause could well be deleted so that the workers would not be intimidated. In fact it's an intimidating clause. It says to the worker: "You put your job on the line." You really do, because the minister knows how long the arbitration process is. First of all, what does the person who doesn't have a union do? He's got a long process ahead of him and what does he eat in the interim while it's being heard?

Hon. B. Stephenson: He has two choices.

Mr. Martel: He has two choices, right. He cannot complain about the problems or he can complain and take it through the legal system the minister is going to establish. In the meantime he goes on unemployment insurance or he goes on welfare. I say to the minister that that clause is not necessary. The workers have not abused it; she knows this. Why she put that little hooker in there is beyond me.

[9:45]

Interjections.

Mr. Martel: No, no, forget the explicitness. Delete it. If the minister is going to err, if she is going to come down on someone's side, for a change, as Minister of Labour, come down on the workers' side. I have listened to every cabinet minister—

Hon. B. Stephenson: Oh Elie, why don't you shut up?

Mr. Martel: Is that parliamentary for the minister to tell me to shut up?

Mr. Kennedy: It is a good idea, though.

Mr. di Santo: It's filthy language.

Hon. B. Stephenson: For you it is parliamentary.

Mr. Martel: This is from the lady who objects when you use the term "BS."

Hon. B. Stephenson: Those are my initials. That is why I object to it.

Mr. Martel: That's right, there's lots of it

around. The minister knows the workers have been threatened and fired in this province for a variety of reasons.

Hon. B. Stephenson: For this?

Mr. Martel: Not with this, I am saying in other areas—and that management can find reasons and ways for getting rid of people who cause problems. I am saying under this, when a worker starts to complain in a plant that is unorganized that worker will have no protection against the onslaught of that company, unless he is prepared somewhere down the road to get some relief. I am saying that that little hooker will cause more people to shy away from complaining about adverse conditions; it will cause more people to shy away from utilizing the Act than anything else in the Act. I ask her to get rid of it.

Finally, just on the regulations. The member for Rainy River (Mr. Reid) might understand this. There was a regulation passed recently—in May, to be precise—which did away with the policy where the government was sending doctors to northern Ontario. That's been done away with by regulations. None of us knew it. They're not sending doctors to northern Ontario under the underserved area plan any more. I didn't know it, until I had a doctor that wanted some help. Then I found out that the regulation had been changed. How many of us here knew that the regulation had been changed?

That's what happens with regulations, you see. They get changed. They did away with the program for doctors in underserved areas and none of us knew. And do the members think it can't happen in mining regulations? With the track record of that group? My God. If that can happen in a regulation as important to northern Ontario as that, and none of us is aware of it—I suppose those people who are on the regulations committee didn't even know it was happening. But it went through. And if the government can change it there, it sure as heck can change it in the mining regulations.

Mr. Lewis: Or you can fail.

Mr. Martel: Yes, I am saying to the minister that the regulations must become part of this of this bill. There is just no way that this government can be allowed, in something as important as health and safety, to allow people to play around in the back rooms with regulations—changing them, altering them at will.

I for one, along with my colleagues, realize that this can happen. I hope my friends to the right realize, as I have tried to document briefly, the types of collusion that go on—the

types we can document. Imagine if we could get into the files. This is what came to us inadvertently. Imagine if we had the files.

Mr. Laughren: You shudder.

Mr. Martel: God help me. It would make your hair stand on end. It really would.

Those are the only ones the government has over there like that, is that it? We were lucky enough to get just those cases? Yes, the only ones that happened.

Mr. Lewis: You would have been horrified as a practitioner, never mind as a minister.

Mr. Martel: I urge my friends to the right to say to the government, "Take your hunk of junk back and bring back a bill which protects workers, which gives them the right to protect their lives." Don't leave it up to this motley group who over the years have demonstrated a lack of concern the likes of which you wouldn't believe.

The minister can get up and defend them as long as she wants, but I remember the cancer cases in the sintering plant; I remember Gus Frobels, I remember him well.

Mr. Lewis: Johns-Manville.

Mr. Martel: I recall Johns-Manville. We were involved in them all. I remember the miners taking their jobs on the line every time they took a Drager meter in so that they wouldn't be gassed to death. I remember it all. I know that the occupational health people of the day, in whatever field they were in—whether it was environment or the Workmen's Compensation Board—were aware of it. They weren't bringing it forward.

The minister can tell me I'm a disgrace, that doesn't bother me. I've had minister after minister tell me I was exaggerating. But you know, a couple of weeks, a couple of years later it all came out and I wasn't exaggerating. If I am exaggerating, I'll surrender my seat.

Mr. Lewis: Sure.

Hon. B. Stephenson: You'd better do it now.

Mr. Martel: But the minister can't fool me about what's gone on, because, I've been here 10 years. I have fought this battle for 10 years. I have had minister after minister make wild accusations that I was irresponsible. But I want to tell the minister, each of those cases have come out in the end and we've been right. And I'm asking this minister—

Mr. Lewis: Every one.

Mr. Martel: Even the deaf cases—the industrially deaf cases.

I suggest to this minister she take this back I ask my friends to the right to help us to make this a decent Act by letting the minister

take it back for another two weeks. In fact, she could write it between now and tomorrow. It wouldn't take much to change it.

They know it's necessary. She knows it's necessary. All that's needed is the will. I don't think the minister has the guts for it.

Mr. S. Smith: Mr. Speaker, I deeply regret the amount of time taken by the previous speaker to make his remarks. The member for Rainy River and the member for Erie have been unable to have their opportunity to speak on this bill.

I do want to mention, however, that the member for Erie in November 1970 presented an amendment at that time to set up a safety committee to be established in every mine, comprising equal representation from management and labour to ensure the safety provisions of the Act were complied with. At that time the speaker from Sudbury East, the very same member who has just spoken, would not support that amendment on the basis that it didn't allow for equal participation of labour and management in the actual making of the legislation.

It's obvious to me that the member for Erie was well ahead of his time with a very reasonable amendment, which, had it been carried at the time, might well have improved the situation—

Mr. Martel: Why didn't you read the rest of the amendment?

Mr. S. Smith: —for working people in Ontario.

Mr. Lewis: Absolutely.

Mr. S. Smith: I would like to address myself briefly to the matter at hand because I do want to give, with respect, the minister a chance to make remarks about the bill and to wind up the debate is it is her right and prerogative to do.

I do want to tell you, Mr. Speaker, that I entered politics a couple of years ago and one of my very first reasons for doing so—as a physician—one of my very first speeches in the city of Hamilton had to do with the fact that I was not prepared to stand back and permit our breadwinners, our working people, to be constantly exposed to the kinds of hazards which were damaging their health, stealing their life and breath day by day, while the government seemed to feel far more involvement on the side of protecting management than of protecting the working people of Ontario.

It seems to me that the record of this government is in fact a disgraceful record. It is very true that it is only the pressure brought by opposition members and by labour unions that finally, belatedly and tragically

late, has brought the government at least to the point of bringing forward some bill with regard to occupational health and occupational safety.

The minister knows I'm not criticizing her in this regard. I think her performance has been much better in this regard than any of her predecessors, although in my opinion it still has a way to go before it is totally acceptable to us.

It's not as though this is new in Ontario. Everybody in the mining industry knew years and years ago that it was not wise to hire a miner who had worked in Elliot Lake. That was common knowledge among personnel directors in the mining industry—and don't tell me the government didn't know that. Yet they acted as though this was a great surprise to them and they had to be dragged kicking and screaming every time a compensable type of illness, a work-related illness, was brought to their attention, and it has remained so today.

With regard to the actual bill, the fact is that this bill, although a step forward in some ways, is in some ways not as good as the bill that preceded it.

Mr. Lewis: Precisely.

Mr. S. Smith: Furthermore, the bill requires a lot of improvement. We have thought for a while as to what to do with that bill. We remember the farm income bill, where the appropriate thing to do at that time was to hoist the bill and bring it back, because there was no option of amending it in committee. The fact is that any sensible amendment would have been completely out of order at the time. However, we have studied this bill. We have studied this bill with almost the entire executive of the Ontario Federation of Labour. We have studied this bill with the benefit of some of our counsel and legal opinion.

We believe it is possible to achieve all the aims, which I believe we have in common with our friends from the New Democratic Party, by means of amendment in committee. We respect the view of the member for Nickel Belt. We think he is on the right track in many ways. We respect what he wants to do. In many ways we share this. But we truly believe that the way to do it is not to give the bill back to the very government that has been high-handed and basically misused this entire field; it is to do it ourselves, discuss it here and present our own amendments.

When I talked to the Ontario Federation of Labour I found they were very receptive to that area. I found they were very inter-

ested in the idea of amending the bill rather than hoisting it, and I want to stand up here and amend it.

Mr. Wildman: Obviously you didn't understand them.

Mr. S. Smith: We in the Liberal Party are now drafting amendments, somewhere around 13 to 17 in number, which will be presented here in this House.

Mr. Laughren: And the government may fall on it.

Mr. S. Smith: Without changing the principle—therefore they will be in order—they will fundamentally change the thrust of a good many sections of this bill. There is hardly a section that can go without being amended.

Mr. Lewis: About 45 amendments are needed in all.

Mr. S. Smith: Well, it may be that some can be combined. I say to the hon. leader of the New Democratic Party, it may be that we will accept some of his and he will accept some of ours. But I am convinced that as people of good will we can amend this bill and make it a truly historic bill for the working people.

Let me speak briefly as to the coverage of the bill. There are a lot of workers left out by this bill. Frankly, I don't understand why they have to be left out. One thinks, after all, of hospital workers, hotel workers, inside and outside municipal workers, teachers, support staff in schools and colleges and so on; staffs of provincial hospitals, of institutions of various types, of correctional facilities; workers in medical labs, and farm workers.

In the case of farm workers, we are persuaded that provided action is taken quickly, in consultation with the farm organizations, then we are prepared to accept that there are peculiar circumstances there which might be better dealt with in another bill. But I am by no means persuaded that they shouldn't come under some kind of bill very quickly. We hope this consultative work will take place—as the minister seems to have already started, and I commend her for that—and that there will be a bill brought forward to cover those who work in our agricultural industry.

As far as the standards for toxic substances are concerned, the minister well knows from my discussions with her—I am convinced that the minister knows—that there are in existence already many standards for many toxic substances, not just a few major substances. Some of these are American, some are Canadian, some are foreign to North

America, but surely they should be enshrined in the legislation. Surely we shouldn't have to depend on some type of largesse on the part of the minister to inscribe them by regulation from time to time, either in the open or any other way. They should be in the bill.

Some of them are not excellent, some of them are not perfect; but at least we know now what at this day and age in 1977, however ahead we may be, should be put into the bill. Of course it can be changed by regulation, but it should be in the bill.

Mr. Lewis: "Standard," not "guideline;" a standard that is perfectly reasonable.

Mr. S. Smith: I am sure the minister agrees with me in her heart when I say I have never understood why we have always protected those who somehow ingest substances by mouth, through the oral cavity—they are protected by pretesting legislation, by a demand that there be at least some evidence that the thing isn't poisonous, and we even do the same for substances applied to the skin and so on—yet if a person inhales it, if it comes through a different orifice in the head, if it comes through the nose or the mouth and goes in the trachea rather than the oesophagus, under those circumstances we don't protect anybody. I'll help Hansard with those terms later.

[10:00]

You're allowed to inhale poisons, but you can't eat them. Now where is the logic to that? If you have to pretest for things you eat, you should have to pretest for things you breathe. It seems absolutely inane to me that we should not have some pretesting provision in this bill with real teeth in it. The time has come, after all, to recognize that the distinction is ridiculous. Hundreds of new chemicals come into the work place every year and I truly believe the minister in her heart must surely agree that these chemicals should have at least some kind of evidence that they are not directly toxic; some kind of evidence they've been pretested.

The Environmental Protection Agency in the United States is already doing a pretesting program. Why don't we go into partnership with them? Why don't we pay our share of the cost?

Hon. B. Stephenson: We do; that's exactly what we do.

Mr. Lewis: No, we don't.

Hon. B. Stephenson: You don't want to know.

Mr. Lewis: What do you mean? You won't accept simple reason.

Mr. S. Smith: Why don't we permit, there-

fore, the pretesting results—some of them to be done here, some of them to be done in the States—to be included in this bill? We will amend the bill to make sure that happens.

The inventories that various companies have should be registered. We should know the chemicals that are on the premises, and that way we'll know what the hazards are. The processes should be registered. The companies frequently say these processes are secret and they can't tell anybody. Let's get it into the bill.

As far as employee participation goes, we believe it's important for the employees to have the right to participate in the monitoring. We think they should have knowledge of the monitoring equipment. They should have use of the monitoring equipment. They should be able to lease or loan the monitoring equipment to non-unionized shops so that people can take courses in how to use it and protect themselves.

We believe the time is long past for some expert to come in and do all the monitoring and for workers to be left out. We think they must know the results at all times, and how to interpret the results. They must have access to the results at all times. There must be mandatory safety committees in all reasonable-sized establishments. The member for Sudbury East (Mr. Martel) suggests 10 workers or more; we might agree with that; we might say fewer. But the fact is we have to have those committees.

Surely when a work person is looking for an opportunity to report something in the way of a dangerous work place, he should have the right to have his union representative with him or her at that time. There's no reason to remove that right from a person. Why would you take a thing like that away from a person? If I've misunderstood the bill, I apologize to the minister and she can correct me and I will be corrected.

As to the right to refuse work, of course none of us wants the right to be used in a frivolous manner, but so far that hasn't been the case.

Mr. Lewis: That's right.

Mr. S. Smith: We agree, however, that in some conceivable circumstances in the future, in some bitter dispute on some other topic between union and management, as has frequently been the case in this country, it's a potential weapon. Clearly, something should be done to make sure it's not a potential weapon. But surely the onus should not be on the worker in the way it is in your bill. Surely they should not have to fight for reinstatement through a lengthy procedure that

most of them couldn't possibly survive. Surely he shouldn't have to fear for his livelihood whenever he thinks there's a hazardous situation that he wishes to report. He ought to make errors if there have to be errors; and, naturally, in any reporting mechanism, a person can be honestly mistaken.

Mr. Haggerty: Remove the adversary clause.

Mr. S. Smith: The error should be made on the side of excessive safety, not excessive fear on the part of the worker. It seems to me, therefore, that that has to be changed and we will propose some amendments to do that. We also believe that prevention and education are not well enough dealt with in this bill.

However, just to summarize and to hasten my remarks to a close, the fact is that this is an eminently amendable bill. I expect most of the amendments will be accepted by the government only after they're out-voted by the two opposition parties. Others, perhaps they will accept simply by way of co-operative action. But I say to the House it is an eminently amendable bill.

Although I accept the reasonable thinking of the member for Nickel Belt (Mr. Laughren), I do not believe it makes sense to give this bill back to the government for more civil servants to work on it, and then they'll bring back another bill. I'd rather have this House work on it, in the open, with input from labour and from management. With input from knowledgeable individuals we can amend it ourselves; it's quite amendable, according to the legal opinion that I have had. Let us have it before us in committee. Let us amend it, and let us give the breadwinners and the working people of Ontario a bill that will be a meaningful step forward and a monumental step in the recognition of their right to health as they go about earning their livelihood.

Mr. Lewis: You know, it's going to be a different bill. It's a pleasure; it's an absolute pleasure.

Hon. B. Stephenson: Mr. Speaker, I rise in support of Bill 70. It's one bill which I believe has been developed in this country as a result of full and complete consultation with both parties to the effect of the bill. It supports very strongly the philosophy established by Dr. Ham as one of the most important bases for the development of health and safety legislation—that is the philosophy of dual responsibility.

Mr. Lewis: No, it doesn't.

Hon. B. Stephenson: It does, I believe, fairly clearly set out that there are responsi-

bilities on both sides—on both the side of the employer and the side of the employee. It also defines some of the responsibilities of government very clearly as well.

There apparently are a number of areas in which there is some confusion about what the bill says. Our activities in translating those salient sections of Bill 139 to this one were confined only to clarifying what Bill 139 actually said. Indeed, there is no change at all in the right to refuse. Indeed, there is no increased intimidation of the worker in the area of the right to refuse.

Mr. Lewis: Oh, come on.

Hon. B. Stephenson: Indeed, there is no increased activity in coercion on the part of the employer than was implicit in Bill 139.

Mr. Laughren: Disciplinary measures?

Hon. B. Stephenson: They are simply spelled out more clearly than they were before.

As far as increased coverage is concerned, we have looked very carefully at this and decided that the expansion of coverage would be best done in co-operation with both the employers and the employees in those parts of the industrial sector in which it was considered wise to expand the coverage. Therefore, we've made overtures to the agricultural community through the Agricultural Advisory Committee and the Advisory Council on Occupational Health and Safety to begin this in the agricultural area.

We intend to do precisely the same thing in the other areas which have been mentioned, particularly in those areas related to ministries of the Crown that function as client groups or are responsibilities of the ministry. So both the employers and the employees—such as school boards and their employees, hospital boards and their employees, boards of other institutions and their employees—can sit down together with the assistance of the ministry and work out the appropriate regulations for the extension of coverage in health and safety to those groups.

Much has been said about the lack of inclusion of standards, particularly for toxic substances and other materials which might be of hazard to a worker within the bill. It's almost impossible to include those as standards within a bill. They require rapid changes from time to time and must be amenable to those changes. They must be available to be changed as well.

Mr. Lewis: That's not what was said.

Hon. B. Stephenson: If we have to bring the bill in every time a substance is going to be designated, so that it may become standardized, then it's going to be an extremely

cumbersome and non-protective mechanism for workers.

Mr. Reid: That is a red herring if there ever was one.

Hon. B. Stephenson: No, it is not.

Mr. Lewis: Make them standards, not guidelines. That's what we said to you.

Hon. B. Stephenson: Indeed, what the bill already says, and I would like to point this out very clearly to my colleagues in the House, is that this program in occupational health and safety includes five major features. It includes prevention, primarily because it prescribes the way in which certain substances and materials will be handled. Second, it's advisory to both employers and employees on the standards which are set. Third, it is supervisory in nature, in order to ensure that there is compliance with the legislation on both the part of the employer and the employee. Fourth, it is remedial, in that directions are left when that compliance does not occur. Fifth, it is regulatory in that it establishes audits, standards, monitoring, inspection and enforcement.

It also provides for information, education and training, perhaps not quite as rigidly as some of my colleagues would suggest, but I would remind them that under the regulations which have been established—and I think we should make this very clear—the protection is provided by the use of the standards which have been set by ACIGH and by other regulatory bodies throughout the world with whom we have constant communication and that TLVs and guidelines have been established for a large number of substances.

Those, of course, will continue to be used until there are modifications made because we learn more about what the protective mechanisms should be. But in any substance, whether it be biological, chemical or physical, under this Act records are prescribed to be kept and made, kept by both owners and employers, and that information must be available to the workers.

In addition to that, the Act regulates or prohibits the handling or exposure to use, and disposal of any material biological, chemical, physical agent or combination thereof. It regulates and prohibits atmospheric conditions to which any worker may be exposed in a work place. It prescribes the methods, the standards, the procedures for determining the amount, the concentration or the level of any atmospheric condition, or any biological, chemical or physical agent or combination thereof. It prescribes, as well, any biological, chemical, physical agent or

combination thereof, as a designated substance.

It not only identifies but it does, also, prescribe the way in which these things will be kept in records, will be utilized and the way in which the worker will be protected against them, whether it is a designated substance or not.

There is no Act anywhere which will protect the worker as well as this one will in terms of toxic chemicals. There are provisions under the Act for enabling the pre-testing, in so far as it is possible to do, of new materials. But I would remind the members that it is prescribed in the Act that every new process and every new combination or single chemical which is to be introduced in the work place, must be reported to the Ministry of Labour so that it can be examined and tested to see whether, indeed, it is likely to be toxic or not.

Mr. Lewis: Only if they are thought to be dangerous.

Hon. B. Stephenson: No, no. We can use those communication connections which we have established with other sources of such information, and which can be done very rapidly—

Mr. Lewis: That's not the way it reads.

Hon. B. Stephenson: —in order to ensure it will not be introduced if it is likely to be of great hazard, or that if it is hazardous there will be protection for the workers in those instances.

Mr. Laughren: And who knows? There is the hooker again, the old hooker in this legislation.

Hon. B. Stephenson: We have not specifically prescribed within the legislation the way in which the ministry will be supporting educational programs, but indeed, not only are we doing it now, but this program will be enhanced. We have not, for example, said exactly what the educational program will be that the Ontario Federation of Labour and the community colleges are going to establish jointly, with the funds granted this week under the lottery program by the Ministry of Labour, because the OFL wanted the capability to develop the programs in the way they felt would be most appropriate for the workers they choose to become involved with them. We respected that kind of attitude and that feeling that it was their responsibility, with whatever assistance we could give them, to develop those kinds of educational programs.

In addition, our major thrust in funding, as well as at the community college level,

will be directed both to workers on the job and to those individuals who want to upgrade their capabilities in occupational health and safety in order to function better in the area of health and safety committees and also at the university level for the training of the required number of professionals of which we have a great dearth. We feel very strongly about our responsibilities to education and are doing all we can in order to improve our role in this area.

There has been a good deal said about an occupational health institute in the province of Ontario. There was a statement made by the Premier (Mr. Davis) that one would be established. Such a commitment, of course, must be reviewed periodically and it was reviewed specifically—

Mr. Martel: Around election time.

Hon. B. Stephenson: —with the federal Minister of Labour when he began to discuss the possibility of establishing what would be much more rational—a national institute of occupational health and safety. The problems in that area do not simply affect the province of Ontario, but affect all provinces and all workers across Canada. As a result of our discussions with the federal minister, we have been attempting to ensure that there would be no duplication of effort.

Mr. Laughren: Why do you apologize for the Premier? Let him apologize for himself.

Hon. B. Stephenson: The kind of things which we are trying to fund through our contract research in the province of Ontario will be utilized right across the country rather than just in the province.

I understand there are to be five regional centres associated with the national one. If, indeed, there is not to be a centre in the province of Ontario, with which we would be co-operating and assisting, we will be re-examining our commitment to the national centre.

[10:15]

I think it's very important that the members of this House recognize we have carried out all of the activities in the development of this bill in the light of the communications we have had from those people who are specifically concerned about occupational health and safety, in addition to our own staff and to my own personal commitment.

Mr. Laughren: A record of broken promises.

Hon. B. Stephenson: We have felt very strongly that we must indeed support the

concerns and the expectations of all the people who work in the province of Ontario. I have also one small contribution to make to the reading-in of material in this debate this evening—one letter which I think is significant and which I would like to have recorded in Hansard.

The letter is addressed to me, dated October 25, 1977. It is from the University of Toronto school of graduate studies and it says, and I quote:

"Dear Dr. Stephenson:

"I have now had an opportunity to examine Bill 70, An Act respecting the Occupational Health and Safety of Workers. I believe it to be an excellent bill which, if passed and implemented in essential substance, will serve well the working people of Ontario. May I congratulate you and your staff on its formulation.

"Yours sincerely,

"James M. Ham,

"Dean of Graduate Studies,
"University of Toronto"

Mr. Speaker: Hon. B. Stephenson has moved second reading of Bill 70. Mr. Laughren has moved that the bill be not now read a second time but the bill be referred back to the government to have incorporated therein various measures.

The House divided on the question, shall the bill be now read a second time, which was approved on the following vote:

AYES

Ashe
Auld
Baetz
Belanger
Bennett
Blundy
Bolan
Bradley
Brunelle
Campbell
Cureatz
Davis
Drea
Eaton
Elgie
Epp
Gaunt
Gregory
Grossman
Haggerty
Hall
Handleman
Havrot
Henderson
Hodgson
Jones

NAYS

Bounsall
Breaugh
Bryden
Charlton
Davidson
Davison
di Santo
Dukszta
Foulds
Germa
Gigantes
Grande
Laughren
Lawlor
Lewis
Lupusella
MacDonald
Mackenzie
Makarchuk
Martel
McClellan
Philip
Swart
Warner
Wildman
Ziemba

AYES

Kennedy
Kerr
MacBeth
Maeck
Mancini
McCaffrey
McCague
McGuigan
McKeough
McKessock
McNeil
Miller, G. I.
Newman, B.
Norton
O'Neil
Parrott
Peterson
Reid
Rhodes
Riddell
Rowe
Roy
Ruston
Scrivener
Smith, S.
Smith, G. E.
Snow
Stephenson
Sterling
Stong
Sweeney
Taylor, J. A.
Taylor, G.
Timbrell
Turner
Van Horne
Villeneuve
Walker
Welch
Wells
Williams
Wiseman
Yakabuski

Ayes 69; nays 26.

Ordered for standing resources development committee.

[10:30]

BUSINESS OF THE HOUSE

Hon. Mr. Welch: Perhaps we might take advantage of this point to discuss the order of business for next week. On Monday afternoon and evening, and on Friday morning, the House will be in committee of supply. Tuesday, being legislation day, we will take into consideration Bills 91, 88, 98, 97 and 94. On Thursday afternoon we will do private members' ballot items 13, standing in the name of the member for Middlesex (Mr.

Eaton), and 14, standing in the name of the member for Wentworth North (Mr. Cunningham). Thursday evening the House will take into consideration the final report of the Morrow committee.

Mr. Speaker: Under standing order 28(a), an order for adjournment has been deemed to have been made. I will recognize the hon. member for Downsview for up to five minutes.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, the minister has obviously copped out, but I want to make my argument because I think—

Mr. Speaker: Order, I think in all fairness, maybe if the hon. member for Downsview can wait just a minute until other members have made their exit, it may be easier for him to be heard.

An hon. member: Maybe the Attorney General (Mr. McMurtry) will get in here too.

Mr. di Santo: Mr. Speaker, I don't understand the reluctance of the Attorney General to answer the question that I have asked twice. Above all, I don't understand why today he refused to clarify a question that I think is very important. The prosecutions I was talking about in my question were the result of a long investigation by Judge Harry Waisberg into the construction industry and episodes of violence and illegality that took place in that industry early in the seventies.

The question I asked the Attorney General was, why was it that the Crown attorney chose to prosecute the bribee in the case of the company, Marion Construction, and Melvin Kurtz, and not the briber?

In his answer, the Attorney General said one of the reasons was that in the Crown's view it was necessary in this case to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one to have a successful prosecution.

I submit that in this case this is not true because, on page 179 of the report, it is said of Mr. Melvin Kurtz: "He admitted receiving \$19,500 from Marel Contractors and \$8,350 from Juliani Construction," so there was no

reason in this case that one of the two parties would not admit their culpability.

Moreover, the case was very clear because Judge Waisberg writes in his report that "the attitude of the employers is summed up in the following evidence of Marco Muzzo, one of the larger drywall contractors."

Transcript volume 7, page 583:

"Mr. Humphrey: So you were not opposed to the general practice of bribery, you were only concerned whether it worked or not?"

"Mr. Muzzo: That is right. It goes without saying that this attitude is quite cynical and improper and in some circumstances illegal. It should be clearly understood that those who give are at least as blameworthy as those who take."

I think there was a very clear pattern in this case of the people who committed illegalities and there has been a very clear choice on the part of the Crown attorney. He chose to prosecute an employee of the company who was giving jobs to the contractor. In fact, that was the only reason the bribery took place, as Mr. Muzzo admitted to Judge Waisberg, and again it's documented in his report.

I think the reason only the bribee was chosen and not the briber, was not only a legal one, nor was it for the purpose of finding evidence to get a successful prosecution, but there are other reasons. In fact, the president of Peel Village, the company for which Melvin Kurtz worked—

Mr. Speaker: The hon. member's time has expired.

Mr. di Santo: —said, "I can fire him any time." I want to remind the Attorney General that it's much easier to prosecute striking workers than the people with whom we dine quite often.

Hon. Mr. McMurtry: Again I have nothing to add to the very lengthy and comprehensive answer that was given to a relatively unintelligible question from the member for Downsview.

An hon. member: Oh, shame.

Mr. Speaker: I deem the motion to adjourn to have been carried.

The House adjourned at 10:42 p.m.

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No. 61

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First Session, 31st Parliament

Friday, November 25, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



1984

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LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 25, 1977

The House met at 10 a.m.

Prayers.

STATEMENTS BY THE MINISTRY

PROVINCIAL PARKS

Hon. F. S. Miller: Mr. Speaker, I should like to advise the members of this House that increases in provincial park fees and restrictions on the consumption and possession of alcoholic beverages in parks have been approved by the cabinet. Both changes will come into effect April 1, 1978.

Mrs. Campbell: April Fool's Day.

Hon. F. S. Miller: Canadian senior citizens, however, will continue to be given free day-use and free camping in provincial parks. Day-use fees for parks have been revised from the \$1.50 current flat fee for a private vehicle and occupants. Beginning next April the rates will be a charge of \$1 per vehicle plus 50 cents for each occupant.

The current \$15, charge for an annual vehicle permit, with no charge for occupants, will change to \$10 per vehicle but each occupant will be charged 50 cents per visit.

There will be no charge for occupants who are either Canadian senior citizens or children 16 years and under.

The regular campsite fee will increase to \$5 and to \$5.50 in campgrounds with comfort stations. The additional fee for a campsite with electricity will rise to \$1.50. The fee for an additional vehicle will become \$3. The cost of interior camping will become \$3.

A significant rise in the operating and maintenance costs of Ontario's 127 provincial parks has necessitated these fee increases. It is the government's policy that a fair share of the total operating and maintenance costs of our parks should be paid by the users. This is consistent with one of the recommendations made by the Ontario Provincial Parks Council in its annual report. On the other hand, capital investment for land acquisition and park development is not charged back through user fees.

In 1972, when the park fees were last raised, the "fair share" represented 60 per cent of the operating and maintenance cost, but in the past five years this percentage has

slipped to about 34 per cent. Due to inflation the direct costs of the parks have increased substantially. Wages and the cost of goods and services have escalated in every aspect of park operation.

Under the new restrictions on the use of alcohol in parks, possession of an open container of alcoholic beverages will be limited to campers on their campsites. In addition, alcoholic beverages will be banned entirely in certain southern Ontario parks at selected periods during the season.

These two measures are aimed at assisting in the control of rowdiness, about which the Ontario Provincial Parks Council expressed concern in its annual report.

During the first year, in 1978, alcohol bans will be applied on an experimental basis. A list of provincial parks selected for total alcohol bans, along with dates when the ban will be applied, will be widely publicized prior to the opening of the 1978 provincial park season.

AMENDMENTS TO BILLS

Hon. Mr. Grossman: Mr. Speaker, a number of inquiries have been made as to the government's plans concerning the Securities Act, the complementary amendments to the Business Corporations Act and the Commodity Futures Act. Today, I wish to state the government's commitment to proceed with the legislation early in the new year.

The government is dedicated to the high standards of disclosure and investor protection which will be afforded through the new Securities Act. This bill has been developed over a period of five years by a series of exposure drafts and in close co-operation with other provincial securities administrators.

We also feel strongly that the high standards of protection should be extended to individuals trading in commodity futures contracts.

Because of the tight calendar this fall, combined with the decision to review the legislation with the new chairman of the Ontario Securities Commission who joins my ministry at the start of 1978, we have elected to proceed in the spring session.

We will be substantially staying with certain key provisions of Bill 30. These include:

Takeover, insider and issuer bids; timely and continuous disclosure, prohibition against "tipping" and expanded civil liability rules; restriction of exemptions for financial institutions, particularly banks, from registration requirements; expansion of the reporting issuer-continuous disclosure-insider trading concept to include all classes of publicly traded issuers, including the currently exempted financial institutions; regulation of commodity-oriented investment contracts not covered by the Commodity Futures Act; and underwriter liability provisions for deficiencies in prospectus filings, a potentially serious omission in the present legislation.

The bill also provides useful administrative changes, including a revised procedure which would enable a speedy appeal to the commission from a staff decision on a policy or isolated matter.

By holding the legislation over until the new chairman is in place, we will have the opportunity to reconsider three aspects of the bill. These are:

1. The "closed system" of registration and prospectus exemptions;
2. The rules regarding the regulation of mutual funds; and
3. Whether some modified version of the present "private agreement" exemption found in the takeover bid part should be restored to the bill.

The bill will of course be referred to committee after second reading for detailed scrutiny and opportunity for further representations will be given at that time.

The securities bill is designed to provide a model for other provinces. We have received reasonable assurance that its adoption as a uniform provincial Act will afford all Canadians with the high level of protection which will be enjoyed by Ontario investors.

The paramount objective of the Commodity Futures Act is to assure that those permitted to act as brokers, advisers or salesmen are honest, competent and of good reputation. The Act is also designed to provide minimum information about the kinds of contracts which may be traded and the exchanges on which they may be traded.

In tandem, the package is aimed at enabling the smaller investor to deal in the marketplace with greater confidence and security.

I want to affirm our intention to have the new bills ready early in the spring session in order that they may be passed into law by next summer.

We sincerely hope that the securities community will note today's comments and use

them as a guide to our current thoughts, concerns and intentions.

VISITOR

Mr. Speaker: Just before oral questions, I would like to call the attention of members to the fact that we do have a visitor under the Speaker's gallery at the west end. Her name is Svava Jakobsdottir from the Icelandic Parliament. Would you welcome her, please?

ORAL QUESTIONS

GROUP HOMES

Mr. S. Smith: Mr. Speaker, a question of the Minister of Community and Social Services. I would like to question him this morning regarding group homes and the policy of the province toward the licensing and location of them.

Can the minister tell us whether the province has decided to establish a uniform licensing procedure as requested to do so in the city of Toronto report of the working committee on group homes? And further, can he tell us whether the province has decided on a way to ensure that each municipality does take its fair share of group homes, properly defined, so as to avoid the situation where certain individual municipalities are forced to take, or find themselves in a position where they end up taking, more than an appropriate share of group homes?

Hon. Mr. Norton: With respect to the matter of licensing, the law reform package or the proposals that I indicated would shortly be made available—I expect it will be within about two weeks that they will be available for discussion with members of the House and members of the public generally—will include some recommendations with respect to that part of the question. So we have been working on that issue.

With respect to standards we also have, and have had for some time—since the opportunity rested with this ministry to co-ordinate children's services—a group working specifically on the question of standards which we hope to be able to implement and enforce on a province-wide basis.

On the other part of the question with respect to the resistance and the problems with respect to zoning that exist in some municipalities, I do not at this time have a universal solution for the whole of the province. We are still trying to work using persuasion and whatever other methods we may have presently at our disposal. But as I indicated in an earlier comment in the

House, if that continues to be a course that creates road blocks, as it has in a number of instances so far, I am prepared to make recommendations to my colleagues to take appropriate action to ensure that this kind of resistance does not continue.

[10:15]

Mr. S. Smith: By way of supplementary, Mr. Speaker, while looking forward to the proposals which the minister will bring before us, as he says, in about two weeks—and I welcome that prospect—may I ask the minister whether he might not consider moving a little more forcefully in the area of requiring municipalities to take their fair share? For instance, could he call together a meeting of municipalities under his aegis and let them know that this government intends very seriously not to have to go through the lengthy appeals to cabinet, such as with Mississauga and Sault Ste. Marie, but in fact will get on with a policy whereby everyone has to take his share?

I apologize for the lengthy nature of the supplementary. But does the minister not recognize that the present discussion in the city of Toronto and in Metropolitan Toronto will be in some way affected by their requiring to know what the province's stance is likely to be in this particular matter?

Hon. Mr. Norton: I thought that, short of the precise action that the hon. Leader of the Opposition suggests, I had made myself and the policy of this government quite clear in statements that I'd made both in this House and elsewhere. I think the decisions that have been made on the appeals that have come to cabinet have been consistent and should indicate further our determination to see that this policy is implemented across the province.

I have seen no evidence since the last decision to indicate that municipalities will not take cognizance of that.

If it appears that they will not, certainly I will contemplate further action, whether it be to bring together municipal officials for a meeting, or to take some more concerted action of a different nature at the provincial level.

Mr. Eakins: Supplementary: Since many of the problems—and I've had letters from the counties in regard to this—have to do with the acceptance of the young people in the schools, has the minister discussed with the Minister of Education (Mr. Wells) the setting up of special teaching facilities to accept these young people from group homes? It seems to me it's a matter for interministerial co-operation.

Hon. Mr. Norton: Mr. Speaker, I have not recently discussed that specifically with the Minister of Education. But I would caution the hon. member that I would have some concern about setting up special educational facilities, except perhaps in very extreme circumstances, because surely part of the purpose of a group home function is that the residents may relate to the community in which they live. It seems to me if we were to make it a matter of practice that those persons—I presume the member is contemplating youths—who would be living in a group home setting might be educated in a setting separate from other children of the community, I would not see that as a desirable direction for us to move in. If you're thinking in terms of assisting school boards with the special problems they might have as a result of that, that's something that I think we could explore.

ACTIVITIES OF RCMP

Mr. S. Smith: A question of the hon. Attorney General, Mr. Speaker. Has the Attorney General in fact received a letter from the RCMP concerning their alleged access to OHIP records? Has he discussed such a letter with the Minister of Health (Mr. Timbrell)? Will he share the contents of the letter, if it exists, with the House?

Hon. Mr. McMurtry: Mr. Speaker, I have received a preliminary report from the RCMP and I have shared its contents with the Minister of Health. I think it may be of assistance to the House if, at this point in time, I were to read a quote from this letter, although we've asked for further details.

I'm reading the first paragraph of the letter. The letter is addressed to myself:

"Dear Sir:

"In accordance with your verbal request of November 14, 1977, and formal request of November 16, 1977, for a report on the subject of the allegations made in the media with respect to the RCMP in Ontario obtaining and utilizing confidential OHIP records for blackmail and disruptive purposes, I should like to advise as follows:

"First, we do not have any paid informants in OHIP. Secondly, the information requested and voluntarily supplied by OHIP on an investigation-by-investigation basis has been biographical in nature . . ." I should pause to indicate that that means only name, age, sex and current address. That is what is meant by the term "biographical"—it does not go further than that.

"Finally, at no time has the force in Ontario sought or obtained medical files from

OHIP nor has it used such medical files for the purposes of blackmail or disruption."

Mr. S. Smith: By way of supplementary, I don't have the letter in front of me, but is the minister satisfied with that answer? Will he be seeking any clarification of such terms as "biographical" which may have other meanings than the one the minister has put before us? Furthermore, with regard to there existing no paid informants, is he convinced that there are no unpaid informants working at OHIP? Basically, is the minister ready to put to rest this entire matter based only on that letter?

Hon. Mr. McMurtry: No, I thought I made it clear at the outset that I was waiting for a further report and for further clarification. I don't regard this letter as having put the matter to rest. But insofar as biographical data is concerned, I quote again from the letter where it states: "OHIP biographical data sought consists of such things as current address, date and place of birth, and employer."

I repeat that I have requested further clarification, and when I am in receipt of this information, I will advise the House accordingly.

Mr. Deans: Supplementary question: Can the minister explain why the RCMP would be going to OHIP to get that type of information? And why OHIP would be authorized to give that information to anyone at all under any circumstances? Why is that information so readily available?

Hon. Mr. McMurtry: Mr. Speaker, firstly, I can't answer that question in the affirmative—that it is so readily available.

Mr. Deans: It says it is.

Hon. Mr. McMurtry: I've indicated that this information has been available and it has been used to trace individuals who are involved in very serious criminal activity.

Mr. Deans: How does the minister know that?

Hon. Mr. McMurtry: The extent to which that information has been available to the RCMP, I simply am not in a position to know at this point. That is one of the reasons why I've requested further clarification.

I will be meeting with the RCMP. I will be discussing the matter. I've discussed the matter with the Minister of Health briefly. We will be meeting to discuss it further. That's all I can advise the House at the present time. I repeat, the matter does not rest here.

Mr. S. Smith: Just a brief supplementary: Do I take it there is more in that letter which

the Attorney General wishes at this time not to share with the House? And if not, will he please table the entire letter? Is he able to assure the House that when he speaks of biographical data that that does not include the place of hospitalization and the diagnosis as well? Will he check on that just to be certain?

Hon. Mr. McMurtry: In answer to the last part of the question, yes, I will clarify that. The letter is a confidential letter inasmuch as it refers to examples of cases that the RCMP are actively investigating at the present time to provide examples of the type of cases in which biographical data was sought—in cases involving, as I said, for the most part, criminal activity and offences relating to the Immigration Act, the Customs Act, the Narcotic Control Act and counterespionage activities as well as the Criminal Code.

Mr. Deans: I have one final supplementary, if I may. Can the minister indicate to us who at OHIP is authorized to release that information upon request?

Hon. Mr. McMurtry: Again, Mr. Speaker, I don't have that information. It's a matter that is of great concern and interest to the Minister of Health. I know that he has been looking at the matter.

Mr. Deans: Does the minister mean he doesn't know?

Mr. MacDonald: He may know.

Hon. Mr. McMurtry: He may know. He's not here this morning and I haven't spoken to him in the last two or three days about this matter. I know he's had the matter under active investigation in his own ministry.

Mr. Warner: He's beginning to sound like Francis Fox.

Hon. Mr. McMurtry: Actually, all I know at this time in relation to the ministry is what I heard on the radio this morning—that the minister was quoted as saying that he's satisfied that the RCMP have had no access to any material other than this bare-bones biographical material. That is obviously a question that I would think that the hon. member would like to direct to the Minister of Health.

Mr. Deans: I am waiting for answers to last week's questions.

Mr. Nixon: The story said that the minister didn't have a letter.

Mr. Speaker: The hon. member for Ottawa East has a final supplementary.

Mr. Roy: Mr. Speaker, my supplementary question to the minister is in relation to his inquiry of the RCMP. Did he limit his inquiry of the RCMP to hospital records or did he also inquire into the RCMP activities per-

taining to either a question he'd been asked earlier about any activities in relation to political parties or to any activities that they may or may not have had in relation to what we have read recently about college campuses and the tapping of phones in student residences et cetera?

Hon. Mr. McMurtry: Mr. Speaker, in relation to the questions that were asked some days ago by the leader of the New Democratic Party, I made it clear at that time; as a matter of fact, I sent him a copy of the letter that I wrote to the RCMP in relation to the allegations of investigation of political parties. I have not had a response. I spoke to the federal Minister of Justice yesterday and asked when I might reasonably expect a response. He indicated that he had again been discussing the matter very recently with the federal Solicitor General and that a response would be forthcoming almost immediately.

In relation to the alleged activities pertaining to college campuses, I must confess that that's the first I've heard of that allegation.

Mr. Roy: It's in today's *Globe and Mail*—about the University of Ottawa.

Hon. Mr. McMurtry: I'd like to say that I am as ardent a reader of the *Globe and Mail* as the member for Ottawa East, but I'm afraid that this is the first time I've heard of it.

ACTIONS OF POLICE AT BURLINGTON

Mr. Deans: Mr. Speaker, I have a question of the Solicitor General. Given that the Ontario Police Commission appears now to have turned the whole matter of the alleged brutality in Halton-Burlington back to the local police commission, and given that there appears to be some indication that there is a pattern of brutality which is borne out, at least, by the statement of one former officer, doesn't he feel that the Ontario Police Commission might follow the request that I made last week and review the previous practices within the force to determine if there is, in fact, a pattern?

Hon. Mr. MacBeth: I might review some of the things that have happened since the hon. member raised the point with me.

In the interval, the Halton Regional Board of Commissioners of Police met with the Ontario Police Commission on Monday, November 21. The board brought to the meeting all the files concerning the various complaints. In reviewing the files it has been determined that the procedure regarding complaints devised by the Ontario Police Com-

mission for use by all municipal police forces in Ontario is being followed in Halton. The investigations concerning alleged brutality in Halton have not all been completed but Halton will continue to apprise the Ontario Police Commission of each step being undertaken in the investigations.

[10:30]

With regard to former constable Roy Murden, the Ontario Police Commission advised the Halton board of their powers under the Police Act to subpoena him to obtain information about the incidents described in the press. The board plans to consult with its own counsel about the steps it can take regarding Murden. The Ontario Police Commission feels that the Halton board is presently following the proper procedure. If the commission at some time feels that Halton is not dealing adequately with its investigation, it may intervene.

If any complainant is not satisfied with the disposition by the board of commissioners of police, then he may in turn appeal to the OPC. So the OPC in brief has established a procedure. It has consulted with the Halton board and has now requested the board to follow that procedure suggested by the OPC and it is monitoring it.

Mr. Deans: One supplementary question: Doesn't the minister feel that as a result of the publicity given to the statement by Roy Murden of the alleged brutality, that it doesn't make much sense at this point to have the Halton police commission investigating in an area where the individual is no longer with the force? Does he not feel that it requires the action of the Ontario Police Commission, or perhaps the Attorney General's office, which I asked yesterday about, to look into all of the incidents, to conduct an investigation not only into what was said by Murden but also to find the individuals who were involved and to determine whether or not they were threatened, or whether or not the action of Murden kept them from laying charges at the time or requesting an investigation?

Hon. Mr. MacBeth: Mr. Speaker, it is my understanding that this is part of the procedure they are going through. One of the points I mentioned was that Murden himself can be subpoenaed. I would agree with the member that may not be sufficient, although he has been surprisingly outspoken in what he himself has said about his former conduct.

I agree with the member that that kind of investigation is not enough and I expect that investigation will go on. The member has the added assurance of the Crown attorney out

there that if he is not satisfied with the procedure, he himself is going to ask for some inquiry.

MINING TAX

Mr. Deans: Question, Mr. Speaker, for the Premier: I am asking this question as a result of yesterday's question and the decision in Saskatchewan. Can the Premier indicate whether there is now a discussion taking place, or will there be a discussion taking place, between the province of Ontario's law officers—looking at the Act in the province—and the federal government, to determine whether or not there are breaches in Ontario with regard to the procedures used by the province to tax the mining corporations? If so, rather than waiting until we get into the Supreme Court of Canada, can we move swiftly to correct whatever unconstitutional acts we may well be undertaking?

Hon. Mr. Davis: Mr. Speaker, I suggested yesterday that I would be discussing this with the Attorney General because I am reluctant to give personal legal opinions. I am not sure whether the Attorney General has had an opportunity yet to get a reply on this complex matter from his law officers. If he has, I am sure he would be delighted to share it with the member. If he has not as yet, I am sure he will be delighted to share it with him just as soon as he has it.

Mr. Deans: Has the Attorney General had the opportunity?

Hon. Mr. McMurtry: Mr. Speaker, I think I should correct a misunderstanding that I am told arose yesterday. That is with respect to the role of our province in the Supreme Court of Canada in relation to the Saskatchewan case.

We did not intervene in this case. It was our view there were none of our revenue statutes or any other statutes affected by the issue that was to be determined by the Supreme Court of Canada and that was the reason we did not intervene.

I will be discussing this matter again in the light of the Supreme Court of Canada decision with our senior law officers in order once again to be assured that there is no legislation that has been affected by this decision. I am certainly going to ensure that this case is carefully reviewed for those reasons.

FOOD PROMOTION

Mr. McKessock: I have a question which, in the absence of the Minister of Agriculture and Food (Mr. W. Newman), I will direct to the Premier.

In view of the fact that this button I am wearing says "Foodland Ontario" and is part of the Ontario food promotion campaign, and in view of the fact that many people ask me what it is for, which gives me a chance to suggest to them that they buy Ontario foods only, and also to tell them that we have trouble stopping import foods coming in and putting Ontario farmers out of business, but if we buy Ontario foods we will be able to keep Ontario—

Mr. Speaker: I still haven't heard a question.

Mr. McKessock: —farmers producing and thereby guaranteeing forever a good supply of quality food for Ontario consumers produced right here—

Mr. Speaker: That's not a question.

Mr. McKessock: —would the Premier send me 1,000 of these buttons so that I can get other people involved in this Ontario food campaign?

Mr. Foulds: Just say yes.

Mr. Roy: Don't make a speech; just send him the buttons.

Hon. Mr. Davis: I'm delighted that the hon. member is following the initiative created by the Minister of Agriculture and Food and has himself become such a promoter of that particular campaign. I certainly appreciate his support.

Mr. Roy: How about the buttons?

Hon. Mr. Davis: Whether or not, under the restraints within which the ministry is operating, there are 1,000 of those buttons available, I will certainly inquire. The hon. member might start off with perhaps 30 or 40 which we could supply for all members of his caucus, who would, hopefully, become as equally committed to the consumption of both solid and liquid nourishment that is produced here in the province of Ontario.

As I said the other day to some of his friends who were concerned about the price of coffee—a concern I share—milk is an excellent substitute and it is produced here. I might even add that we produce in the great city of Brampton excellent agricultural products and I personally and my family are in support of them.

Mr. S. Smith: You certainly provide enough fertilizer.

Hon. Mr. Davis: I might add, in that he was allowed to make a rather lengthy speech as a preamble to his question, we are also advocating the use of apple juice rather than orange juice in the morning—

Mr. Peterson: Have you started taking apple juice with your rum? Do you recommend it with rum?

Hon. Mr. Davis: I find it isn't quite the same, but certainly for breakfast—and I have never had the two for breakfast—I find apple juice is an excellent source of vitamin C.

Mr. Peterson: What do you have for lunch, now that you are on the subject?

Hon. Mr. Davis: For lunch it is quite often tomato juice. I like to vary them, and we do have grape juice from time to time. If there is anything more I can tell the hon. member, if there is anything else he wants to know about my eating habits, I would be delighted to share it with him. I'll see how many buttons I can get for him.

Mr. McKessock: A supplementary, Mr. Speaker—

Mr. Speaker: That was a very complete question and a very complete answer. I don't know how you could find a supplementary.

Mr. McKessock: I have a brief supplementary: Would the Premier, for starters, send each member of this Legislature a half dozen of these food promotion buttons?

Hon. Mr. Davis: In that the members opposite certainly don't want to be involved in anything that is wasteful, I certainly would be prepared to consider sending each member six buttons on the very clear understanding that the members wear them. I think that's important. There's no point putting them in their top desk drawers. If they want six buttons I expect to see the Liberal caucus of this province following the great leadership of the Minister of Agriculture and Food and start wearing buttons. I think that would be a great step forward.

TRAINING SCHOOL DEATH

Mr. McClellan: Mr. Speaker, are we through with buttons? I have a question of the Minister of Community and Social Services.

In November 1976 the ministry gave the House a full report on the death of Norma Dean on two days' notice. In view of the fact that on Tuesday my colleague from Port Arthur requested a similar report of the death of Robert Shepherd, for which we have been waiting rather patiently, I want to ask the minister when he intends to make a statement in the House regarding the circumstances surrounding the death of Robert Shepherd, which would include a history of the boy's involvement with social service agencies prior to his death?

Hon. Mr. Norton: Mr. Speaker, the only concern that I would have, in terms of doing that immediately, would be the fact that we are still waiting for what I expect will be an early date for the inquest.

Mr. McClellan: It was to do with the Norma Dean case as well.

Hon. Mr. Norton: I will certainly seek advice as to what I might appropriately say at this point. Certainly I have no intention of holding back any information, except I do wish not to prejudice the coroner's inquest in any way.

Mr. McClellan: I understand that.

Hon. Mr. Norton: I will take that under advisement and see what I might appropriately say within the next few days in the House.

Mr. McClellan: Supplementary: While the minister is doing that, may I ask him whether he has seen the article in yesterday's Star which alleges that staff at Hillcrest were teasing? May I ask the minister what action he has taken to investigate those serious charges and what findings he has made?

Hon. Mr. Norton: Mr. Speaker, I have done two things. I have first requested that my senior staff in that division of my ministry follow up as much as it can in the investigation of the allegations of the former ward. Secondly, we have referred that information, which we have not received ourselves first-hand, specifically to the coroner and asked that he take those allegations into consideration in the conduct of the inquest. It seems to me that that is a very appropriate way to ensure that there is an objective and external evaluation of those allegations as well.

Mr. McClellan: Leaving aside the question of the contribution of these incidents to the boy's death, would the minister not want to investigate whether that kind of teasing has taken place to satisfy himself? Having done that, would he report that to this House?

Hon. Mr. Norton: Yes, that's precisely what the senior staff in the ministry is doing.

Mr. Foulds: Final supplementary: Could the minister also indicate to the House why Sprucedale, which I believe was where the boy was located before he went to Hillcrest, decided that it was unable to give the boy the services that were necessary; why, in fact, that major move from Sprucedale to Hillcrest took place?

Hon. Mr. Norton: I'm sorry, I didn't catch the last part of the question.

Mr. Foulds: Why, in fact, what seems to have been a crucial move in the boy's

history between Sprucedale and Hillcrest took place? Why was he moved from one of the minister's institutions to the high-security institution?

Hon. Mr. Norton: My understanding at this point is that the move took place because of certain acting-out behaviour that the earlier facility felt it was unable to handle adequately. Also, I'm not sure that the transfer took place specifically on the recommendation of the psychiatric report, but there certainly is a psychiatric report that makes that recommendation.

STUDENT LETTERS

Mr. Sweeney: A new question to the first honest Minister of Colleges and Universities; and I'm glad there's at least one over there.

Mr. Foulds: What does that do with the others? I thought Jack McNie was pretty straight.

Mr. Sweeney: Mr. Speaker, I am obviously referring to the Tory student letter-writing campaign. In all seriousness, does the minister think it is appropriate or proper for a minister of the Crown, as is reported, to approve for a practice which is essentially a deception, the deception being that those who read those letters are going to assume they were written spontaneously?

[10:45]

Hon. Mr. Parrott: I would be surprised if I didn't get a question, what with the press of this morning. Before I answer that question directly, in a straightforward, honest way, let me have a preamble, if I may. I perhaps could have chosen other words as the description when that first went in there, particularly when I recognize that the great Premier (Mr. Davis) of this province was the first minister with that portfolio; however, I will take praise from wherever I can get it, provided it doesn't put me in a bad position with my Premier.

Having said that, let me assure members that I will not shrink for one moment from the support of the party. I get a little surprised to find members opposite a little upset if we play in the game of politics.

Mr. Sweeney: That is what it is.

Mr. Peterson: A careful answer, Harry.

Hon. Mr. Parrott: I am quite prepared to dig in on this one.

Hon. Mr. Davis: Members opposite should know that ministers are also politicians.

Mr. MacDonald: Did the Minister of Colleges and Universities listen to the Premier's last answer?

Interjections.

Mr. Speaker: Do you want an answer to the question?

Mr. S. Smith: No, not that kind.

Hon. Mr. Parrott: It is great fun when, on occasion, the member, who is critic of this ministry, has gone, prior to my visit to a campus, to raise some anger among the students, with his own supporters.

Mr. Nixon: Nonsense.

Hon. Mr. Davis: The member is embarrassed because he knows it is true.

Mr. Sweeney: It was because of the facts the minister wouldn't give them.

Hon. Mr. Davis: Listen, I had a report out of one university; I just didn't believe it.

Hon. Mr. Parrott: If the PC supporters on campus—and there are many—decide to write letters, either spontaneously or with prompting, I think that is a great move.

Mr. S. Smith: Come on, it is a plant.

Mr. Sweeney: First of all, the minister obviously doesn't agree that it is a deception.

The supplementary question: It is reported that the minister said of Mr. Angus: "His prompting was great. We let him go all the way." And then further that you didn't want to see the sample of the letter so it wouldn't appear to be phoney. Yet the minister is approving it and supporting it; so why did he have to come back two days later and retract the contents of the letter as being factually incorrect?

Hon. Mr. Parrott: Surely that should be fairly obvious. I said, when Mr. Angus presented the concept to me, "I think it is a great idea." And I shrink not one iota from that point, as I stated previously.

An hon. member: You can't.

Mr. Sweeney: That's sad.

Hon. Mr. Parrott: I think that this party, at party headquarters, should be active in the support of this side of the House; and we should recognize that, as the member's party should be supportive of him. That is the way the game is played, and the member knows that.

Mr. S. Smith: We get real letters. We don't have to plant them.

Mr. Sweeney: You don't even know what you are approving.

An hon. member: You don't know what the letter said.

Hon. Mr. Parrott: Having said that, I wanted no part of a phoney letter that I myself had written, that I myself would receive.

Mr. Bolan: Why didn't the minister read it first?

Mr. Sweeney: How could the minister approve it when he didn't see what was in it?

Hon. Mr. Parrott: That would be an area of stupidity that I didn't want any part of.

If Mr. Angus, in his role as a member of party headquarters, can get a campaign going, the same as OFS might have a campaign going to the Premier in opposition to fee increases, it is exactly the same game. The parties opposite both play the game; and when we play it, I think, as I said before, it is good news and there is no deception.

Mr. Foulds: Supplementary: Is the present minister, while now willing to uphold the reputation of the Premier in his role of Minister of Colleges and Universities, willing to uphold the reputations of John White and Jack McNie, whom I for one had always thought were pretty straightforward, honest ministers?

Secondly, did I hear the present minister correctly when he said at the beginning of his answer, "I could have chosen different words"?

Mr. Haggerty: Right.

Mr. Foulds: Did he, therefore, have a more direct supervision of that letter than he has led the House to believe so far?

Hon. Mr. Parrott: No. I feel very honored that I should join the predecessors who have served in the Ministry of Colleges and Universities, all of them with distinction.

Mr. Roy: Oh, you are backing off now—you are skating.

Hon. Mr. Parrott: I resent rather markedly that the word "deception" crept into this conversation. It has been used three times by the member for Kitchener-Wilmot.

Mr. Sweeney: That is what it is.

Mr. Roy: It is a deception.

Hon. Mr. Parrott: It is a very sad day when he would use that word in this House describing the actions of any minister of the Crown.

Mr. S. Smith: Phoney as a three-dollar bill.

Hon. Mr. Rhodes: You have got them chirping, Harry; hang in there.

Hon. Mr. Parrott: I said in reply to the member for Port Arthur that I would have used different phrases. I certainly don't think that I am the first.

Mr. Deans: I don't know about that.

Hon. Mr. Parrott: Not at all. I am sure that all of my predecessors were both honest and straightforward. I think it only proves one thing, that the person who proposed it

did so of his own initiative; and that is the way it should have been.

Mr. Breithaupt: Supplementary, Mr. Speaker: Is the minister telling us that he is no more honest than his predecessors?

Mr. Deans: I wouldn't get into that if I were you.

Mr. Roy: Honest is honest.

Hon. Mr. Parrott: I think we should get back treating this matter the way that it deserves, and that is with a little lightheartedness. I suspect if you put us on a scale from 1 to 100 I would not want to rank myself along with my great predecessors; they are far more honest, far more straightforward, than I am.

CONDOMINIUM LEGISLATION; GARFELLA INVESTMENTS

Mr. Philip: A new question of the Minister of Consumer and Commercial Relations: In light of the welcome statement by the Attorney General (Mr. McMurtry) yesterday concerning the suggestion by officers of the Ministry of Consumer and Commercial Relations, the Ministry of Housing and the Ministry of the Attorney General, that the Condominium Act be amended to ensure that sales such as those offered by Garfella Investments are made in accordance with the Act, can the minister tell us if he is following the suggestion? If so, when can we expect the legislation; and will that legislation be retroactive so as to cover Garfella Investments' sale of shares at 10 Garfella Drive?

Hon. Mr. Grossman: We will be following up on that suggestion. We were aware of it and had had discussions. I understand the situation not only requires amendments to the Condominium Act, which already are in draft form—in other words, we know what they would be—but also requires some amendments to the Planning Act. In view of that complication, our ministry will be working over the next few months with the Ministry of Housing and the Ministry of the Attorney General to develop a series of amendments to the various Acts which will close off the loophole. We should have that, I would hope, in the spring session.

Mr. Philip: Supplementary then, Mr. Speaker: Can the minister answer the second part of my question, which is will the legislation, when it is being brought in, be retroactive so as to cover the present sale of 147 units, or shares or whatever they call them, at 10 Garfella Drive?

While the minister is answering that, can he inform the House of what action he has

taken with the same company regarding the concerns of the Federation of Ontario Condominium Associations. This group met with him 11 days ago and requested that he investigate the possibility of misleading advertising by that company in its blurb, which compares the price of condominium units in the area with what it is offering, namely an undivided percentage interest in the whole of the ownership of the property.

Hon. Mr. Grossman: Mr. Speaker, to that supplementary and then the new question: The answer is I would expect at this time we wouldn't be into retroactive legislation in this field, or very many other fields, but I must be careful to leave that option open to myself. To be fair and so that no one would be under any misapprehension, I would think not at this time.

Mr. Lawlor: That's right, keep the threat.

Hon. Mr. Grossman: On the new question, with regard to misleading advertising, as I indicated at that meeting—at which the member was in attendance—we would be looking into misleading advertising. They have been very clever. At the present time we haven't been able to say that the advertising has been so misleading that we can take any further action, although it is under continued scrutiny.

HOME RENEWAL PROGRAM

Mr. G. Taylor: I have a question of the Minister of Housing. Many of the municipalities in my riding have asked when the final grants will be forthcoming under the home renewal program, and I now ask the Minister of Housing when they will be forthcoming?

Hon. Mr. Rhodes: Mr. Speaker, as the first honest Housing Minister since Don Irvine—

Mr. Warner: And probably the last one.

Mr. Samis: What a comparison.

Hon. Mr. Rhodes: Mr. Speaker, as I've mentioned in this House previously, the funds under the Ontario Home Renewal Program have all been allocated. I fully recognize there are a number of municipalities in need of more funding and I've had numerous requests from municipalities and from hon. members from all sides of the House.

I have no more funds in that particular program. I have calculated, in the ministry, a need for approximately \$3 million more to meet what I feel would be the requirements between now and the end of the fiscal year. A presentation to Management Board is now being prepared for those extra funds in order to meet the requirements as we calculate

they will be for the balance of this year, and hopefully we can meet the requests of the municipalities.

I should point out, though, for the benefit of the hon. members, that I think there has been some confusion in the minds of municipal officials, and I'm not about to say that some of that was not created by the ministry's communications with those municipalities, it may very well be. I think many municipal officials felt that when they saw the end figure of what it was being proposed they would be eligible for, they felt that money was immediately forthcoming. I would suggest to hon. members who have some concerns in this area and have been approached, that if they would look at the copy of the letter that was sent to the various municipalities they will see that the approval for their application was in principle.

Further on in the letter I drew to their attention that I was working on a maximum amount of \$20 million in the program, \$2 million of which was to be allocated for rental, and \$18 million for the home renewal program. We emphasized the "in principle" fact and requested them to make sure that they only committed that amount of money which had been advanced to them.

However, we'll make a real sincere effort to get that extra money, because I'm convinced that is an excellent program that deserves our support.

BRADLEY-GEORGETOWN HYDRO CORRIDOR

Mr. Reed: Mr. Speaker, I have a question for the honest Minister of Energy—

Mr. Eakins: Honest Jim.

Mr. Foulds: Poor, stupid; but honest.

Mr. Roy: You're an ignoramus, he said.

Mr. Reed: That electrifies the House. Say that with a straight face.

Mr. Reed: Is the minister satisfied that the convergence of seven sets of power lines—five being 400 kilovolts and two being 230 kilovolts—at Milton, does not represent a vulnerability that will detract from, rather than enhance, the security of Hydro's distribution system?

Hon. J. A. Taylor: Mr. Speaker I wish to commend the member for his honest and straightforward question, especially the prefix. That question relates to the question he asked yesterday in connection with the five transmission lines that he mentioned. I think he is in error. As I indicated, I took that question as notice, as I will this—

Mr. Roy: Get some papers for us.

Hon. J. A. Taylor: —and include it in the answer I will give him next week.

Hon. Mr. Rhodes: He's not wrong, Harold Greer is.

Mr. Reed: Supplementary: The minister is questioning the plan for five transmission lines in that corridor and, of course, we will have the answer next week, and we wait for it with bated breath.

Mr. Speaker: Do you have a question?

Mr. Reed: Yes.

Hon. Mr. Rhodes: Are you having trouble with Greer's handwriting?

Mr. Reed: I have enough difficulty with my own.

Mr. Foulds: Obviously.

Hon. Mr. Grossman: Stick to your own.

Mr. Reed: I wonder if the minister has not examined—he obviously has not, if he's not sure how many lines are running north and south—or if he would examine the consequences of the severing of either the north-south lines or the east-west lines?

Hon. J. A. Taylor: Mr. Speaker, I will include those concerns in my response to the question that was asked yesterday, and with the added item today.

[11:00]

ACTIVITIES OF OPP

Mr. Foulds: I have a question of the Solicitor General in relation to the reply he gave me to my inquiry on the order paper with regard to surveillance by OPP security officers of the October 14 demonstrations. First, I'd like to know who was responsible for assigning the three security branch members for surveillance on that occasion; why they were assigned; and if, as the minister indicated in his printed answer, the surveillance activities were directed to those who may breach the peace, why it was considered that uniformed policemen, municipal policemen, were insufficient for that particular purpose?

Why was it that Thunder Bay was singled out as being a place where it was necessary to have one of these undercover agents when there were demonstrations all over the province?

Hon. Mr. MacBeth: Mr. Speaker, there are a series of questions in that and I'll take them as notice. I certainly don't have the answers to some of them, although I could speculate on the answers to others.

Mr. Roy: No, you don't want to do that. Speculate, that's what they all do over there.

UNIVERSITIES POLICY

Mr. Bradley: I have a question of the Minister of Colleges and Universities: In light of concerns being expressed privately and publicly by university officials about the possible closing of certain of the smaller universities, or major reductions in the number of departments in universities, such as, for example Brock, would the minister assure the House that the government is committed to the continued operation of these educational institutions well into the future, and in a manner which will allow a complete program to be offered?

Hon. Mr. Parrott: There's absolutely no doubt in my mind that the answer is a clear, positive yes.

Mr. B. Newman: That's not what the Minister of Health (Mr. Timbrell) said.

Mr. Bradley: Supplementary question, Mr. Speaker: Is the minister aware that some of the officials of the smaller universities are concerned that their role will be diminished by the potential growth of large universities, such as the University of Toronto, and that they have been informed that some in the government would not be unhappy about the complete elimination of certain of the smaller universities?

Hon. Mr. Parrott: I can't address myself to all the rumours that might flow on that particular subject, but I reflect back, and it's not that many years ago, although I guess some might think so, to when I was attending university. At that time the University of Western Ontario was smaller than any of our universities today.

Mr. Roy: Were you part of the Conservative Club there?

Hon. Mr. Parrott: That's a matter of 30 years ago. When I see the products, for instance of the University of Western Ontario from the era of 1943-45, knowing that it had a size of approximately 2,500 students, and see what those students have done today, I'm unconditionally convinced there is a great role for the small institution.

There's a different formula, if you will, for the educational process—not for funding, but for the process; there are different rules, different ways, that I think lead to a good educational experience there; and there's a different method, formula if you will, in the large institutions. It would be a sad day if we put a size limit on all universities and had them all follow the same pattern. I think there's a great need in this province to have large and small universities serving slightly different methods of operation but

all doing a fine job, which I think they're doing today and will continue to do.

Mr. B. Newman: Have you talked to your Minister of Health lately?

NON-RETURNABLE CONTAINERS

Ms. Bryden: I have a question of the Minister of the Environment: Now that the government has buried the ill-conceived can tax idea, when is the government going to bring in the regulations providing for a five-year phase-out program for non-returnable beverage containers, which was supposed to be in place by July 1, 1977, under the terms of the 1976 legislation on this subject?

Hon. Mr. Davis: About the same time as we get your policy commitment to ban the can entirely.

Hon. Mr. Kerr: That's right, Mr. Speaker.

Mr. Deans: While we are talking about policy commitments, there are some others we would like to talk about.

Hon. Mr. Kerr: The hon. member used the phrase "ill-conceived can tax."

Mr. Foulds: How is Frank's two-for-one tree planting coming along?

Hon. Mr. Davis: Oh, it's doing very well.

Mr. Riddell: I want to hear the answer.

Hon. Mr. Kerr: I'm not sure about the member, but certainly four of her predecessors are on the record as being in favour of a can tax. I'm not exactly sure where NDP members of this House stand on this particular policy, but certainly there is the greatest flip-flop in the history of conservation.

Hon. Mr. Davis: The hon. member should be embarrassed to raise it.

Mr. Deans: Who?

Hon. Mr. Davis: Not you.

Hon. Mr. Kerr: As far as the phase-out is concerned, Mr. Speaker, I'd like to know how you phase out anything unless you either tax it, or in this case put a deposit on that container. Otherwise, there is no possibility of phasing it out. There are three ways you can do it. You ban it, you put a deposit on it or you tax it. You're against taxing, you're against the ban, and I understand, you're against the deposit; so the member should answer her own question.

Mr. Riddell: You're entirely right, George. It's hard to know what they stand for.

Hon. Mr. Davis: Of course, you people shifted a bit on that issue, too.

Mr. Roy: We are steady.

Hon. Mr. Davis: Oh no. Robert was going to ban the can.

Mr. Peterson: We were going to ban you.

Hon. Mr. Davis: You can't do that.

Ms. Bryden: Mr. Speaker, I can't understand how the minister can have any doubts as to where the New Democratic Party stands on this issue.

Hon. Mr. Grossman: Tell us all three positions; tell us every one of them.

Ms. Bryden: We voted against the can tax on the first reading when it was introduced.

Hon. Mr. Kerr: I know, but before that? Answer to the record for the past five or six years.

Ms. Bryden: We voted against the can tax then but what happens in the House is the important thing.

Mr. di Santo: You withdrew it, shame.

Ms. Bryden: Mr. Speaker, there are other options to a tax or a deposit.

Mr. Speaker: I have yet to hear a question.

Ms. Bryden: I would like to ask the minister has he considered the option of sitting down with the industry, with workers in the industry and with environmental groups, and working out a four-year plan for phasing out non-returnable containers, with targets for each year and employment provision made for looking after people who will be displaced?

Hon. Mr. Davis: Your Hamilton members are getting nervous.

Hon. Mr. Kerr: Mr. Speaker, the hon. member is getting deeper and deeper into her own morass here. She still hasn't answered the question of how you phase something out unless you do something about it.

Mr. Germa: The question is from this side of the House, the answer is supposed to come from that side.

Hon. Mr. Davis: You can't have it both ways, you're making Patrick squirm.

Hon. Mr. Kerr: The answer to that question, as far as we're concerned, is to start with the tax. There were 800 million cans of pop sold in this province in 1976.

Mr. Deans: And they produced a lot of work.

Hon. Mr. Kerr: Putting a tax on would reduce volume at least 20 per cent in the first year. The percentage drop may even increase in each succeeding year, so that, as you say, in four or five years it would be phased out; and then you could bring in the ban, because the amount of the market served through the can would be substantially reduced so that there wouldn't be the

disruption at the end of four or five years in the event of bringing in a ban.

Mr. Lawlor: It is going down now.

Hon. Mr. Kerr: I have attempted to work with the hon. member, and I have attempted to work with the representatives of the Liberal Party in coming to some sort of a program.

Mr. Deans: But your policies are unworkable.

Mr. Reed: We are the only people with good ideas.

Hon. Mr. Kerr: I have indicated why I am against a deposit at this time and why I'm in favour of a tax. So if the hon. member is sincere about the question she has asked this morning, she would have agreed to a tax on cans.

Mr. Foulds: No.

Mr. Speaker: The hon. member for Huron-Bruce.

Mr. Gaunt: I have a supplementary, Mr. Speaker. I'm wondering if the minister has met with the industry to try and achieve a voluntary cut-back with respect to the use of non-returnable containers; and if so what were the results of that meeting?

Hon. Mr. Kerr: Yes, Mr. Speaker, we've met with the industry. The proposal, as the hon. member knows, was that the industry would voluntarily reduce the use or sale, distribution and manufacturing, of the non-returnable container to 40 per cent next April, and down to 30 per cent in April of 1979. We're not happy, frankly, with that timetable, or with those percentages.

Mr. Deans: It isn't good enough, but it's a good starting point.

Mr. Peterson: What are you going to do about it?

Hon. Mr. Kerr: There is also a question regarding the continuation of the ban on the non-returnable bottle. Whether or not they would agree to that voluntary program as well as the ban on the bottle, which is to become effective next April, remains to be seen. These are the points that we're still discussing in the industry.

I am optimistic frankly that they will agree to our scheduling; and that is about 70-30 next April and possibly 80-20 in 1979.

This is the type of thing we are negotiating at the present time, but the hon. member for Wentworth won't let me get it through.

Mr. Deans: That's right, the minister is absolutely right; no way. Bring in a recycling program.

Mr. Speaker: The hon. member for Wentworth doesn't have the floor. I haven't recognized him.

Mr. Bounsall: Do I take it from the minister's reply that he is not considering, as one of his options, the institution of uni-metal cans, up to a fairly reasonable size for all metal containers, with the subsequent reclamation, recycling and reissue of those cans, as the most reasonable way of meeting this problem?

Hon. Mr. Kerr: That is something we have also discussed—the fact that the tops on cans, I believe, are aluminum and the cans themselves are steel. This does affect a really effective reclamation program and recycling program.

One of the problems of course is apparently the aluminum can is easier to open, particularly with the new top they have, rather than a steel top. But that is certainly part of our ongoing discussions with the industry.

Mr. Speaker: The time for oral questions has expired.

REPORTS

SELECT COMMITTEE ON INCO LAYOFFS

Mr. Handleman from the select committee on Inco layoffs presented the committee's report which was read as follows:

By a motion of this House on November 14, 1977, the select committee was constituted to make certain inquiries pertaining to Inco Limited. On-site inspections at Sudbury and Port Colborne have already been completed but no hearings have yet been conducted.

A joint request in writing was received by the committee yesterday afternoon from Inco Limited and the United Steelworkers of America, [Sessional Paper No. 146] which is an appendix to this report and which request is self-explanatory. As a result of this letter, the committee unanimously decided to adjourn until December 14, 1977, or earlier if called by the chairman, to accede to the joint request of Inco Limited and the United Steelworkers of America.

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted.

Your committee begs to report the following bills with certain amendments:

Bill Pr5, An Act respecting the Village of Port McNicoll.

Bill Pr14, An Act respecting the City of Ottawa.

Your committee further recommends the following bill be not reported:

Bill Pr15, An Act respecting the City of Ottawa.

MOTION

SELECT COMMITTEE ON THE FOURTH AND FIFTH REPORTS OF THE ONTARIO COMMISSION ON THE LEGISLATURE

Hon. Mr. MacBeth moved that the final report of the Select Committee on the Fourth and Fifth Reports of the Ontario Commission on the Legislature which was presented to the 30th Parliament on March 29, 1977, be considered by the House on the evening of Thursday, December 1.

Motion agreed to.

[11:15]

INTRODUCTION OF BILLS

OXFORD MUNICIPAL HYDRO- ELECTRIC SERVICE ACT

Hon. J. A. Taylor moved first reading of Bill 111, An Act to provide for Municipal Hydro-Electric Service in the County of Oxford.

Motion agreed to

Hon. J. A. Taylor: This bill establishes a new municipal electric power supply commission for each of the eight area municipalities in the county of Oxford. Thirteen existing commissions are dissolved. This legislation has been reviewed by the provincial steering committee, Ontario Hydro, TEIGA, and the Ministry of Energy in consultation with the local study team, the Ontario Municipal Electrical Association, and the provincial-municipal liaison committee.

The provisions of the bill have been in general agreed upon by these groups. The low population density and growth rate in Oxford was a dominant factor in the formulation of this bill. For this reason, customers within the five townships presently served by Ontario Hydro will continue to be served by Ontario Hydro.

Commencing January 1, 1978, customers within Tillsonburg, presently served by Ontario Hydro, will be supplied with power by the new Tillsonburg commission.

On behalf of the government, I wish to commend the Oxford local study team, the steering committee, their staff, and Ontario Hydro for their efforts.

ANSWERS TO WRITTEN QUESTION

Hon. Mr. MacBeth: Mr. Speaker, I wonder if just before the orders of the day I could table a response on question 45 standing on the notice paper. (See appendix page 2297.)

ORDERS OF THE DAY

TOWNSHIP OF DOVER ACT

Mr. McGuigan moved second reading of Bill Pr2, an Act respecting the Township of Dover.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF HAMILTON ACT

Mr. Deans moved second reading of Bill Pr28, An Act respecting the City of Hamilton.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF CHATHAM ACT

Mr. McGuigan moved second reading of Bill Pr30, An Act respecting the City of Chatham.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of supply.

ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

Mr. Chairman: We will now resume consideration of the estimates of the Ministry of the Attorney General.

On vote 1306, courts administration program; item 1, program administration:

Mr. Roy: I think we were discussing vote 1306-2 and I would beg the indulgence of the Chair to consider this to be a point of privilege.

Mr. Chairman: I would just remind the member, I think we're on item 1. It hadn't carried.

Mr. Roy: Item 1 was carried.

Mr. Chairman: No, it was not carried.

Mr. Roy: Whether it was or not, I knew that we were on vote 1306. Whether we carried item 1 or not, I would like to correct the record pertaining to earlier discussions that took place on these estimates back on November 21, 1977.

My colleague the member for Brant-Oxford-Norfolk (Mr. Nixon) made certain comments at that time regarding the role played in the Legal Aid Plan by the legal profession in this province. Afterwards the Attorney Gen-

eral commented—I have here the Instant Hansard. I am looking at the transcript dating back to the afternoon of November 21, 1977, and I'm reading from page 1530-2, where the Attorney General said: "Yes, I must admit that I'm rather curious as to where the official opposition stands on the issue of Legal Aid in relation to the administration of the plan, because I have urged the member for Ottawa East, my good friend and Justice critic"—Here there were some interjections—"and the member for York Centre [Mr. Stong] to get them together just to see where they stand on the issue because it would be helpful if they would consult with one another on occasion."

I would like to correct the record, or the impression the Attorney General might have, or that he might have left with the House. I have discussed the position of our party with the Attorney General and I take it that what he was referring to at that time was our position vis-à-vis Legal Aid, whether it should be taken over by a government agency or government apparatus or whether it should stay within the realm, jurisdiction and control of the Law Society of Upper Canada.

The record should be cleared on that. I would like to make it as clear as possible that the official position of the official opposition is in favour of keeping the Legal Aid system exactly where it is. I don't want to go into all the details. I don't want to abuse your graciousness in allowing me to correct the record on this, but that is our position and that position will continue until we decide otherwise in caucus. That is the position of our party.

This doesn't stop certain members from having personal views which may be otherwise. I understand, for instance, that the NDP critic has a particular view with which certain members of his caucus are not in agreement. The Attorney General, I'm sure, has members within his caucus who do not agree with his view. But the view of this party as a whole, and our policy of a Liberal government in this province, would be to keep it where it is.

Hon. Mr. Kerr: Can't wait.

Mr. Roy: It can't wait? Well, George, you've had a good day. Don't start getting into this one. You might lose some points here.

I would like to make that position very clear so that the Attorney General would know what the position of the official opposition is.

The other matter I would like to clarify is that members on this side should be allowed to express personal views vis-à-vis Legal Aid and the legal profession without it necessarily meaning that it is the position of the party. I think we should make that very clear. Similarly the Attorney General may well have people within his own caucus who have views which are not exactly in line with his. Certainly members are entitled to their views on various factors within the administration of justice.

Coming back to vote 1306, I would like to ask the Attorney General a question. I understand that Mr. Graham Scott from his ministry had occasion to meet again with the Carleton County Law Association about the question of the courthouse in Ottawa. I am not sure if the meeting was yesterday. Because of the great concern of the Ottawa area about the present court facilities, I would like the Attorney General to report to the members of the House what has taken place. Has any agreement been arrived at, pertaining to this meeting with the Carleton County Law Association?

I would also like the Attorney General to confirm or deny whether his view coincides with the view of the member for Ottawa South, who met with the Carleton County Law Association. In his summary fashion, which that minister is sometimes famous for, the Hon. Mr. Bennett told the Carleton County Law Association that they had better not expect a new courthouse in that area for at least, to use his words, "another five years." The comments made by the member for Ottawa South to the Carleton County Law Association were not ones to encourage them to look in that direction. In fact, they were more or less summarily dismissed by that minister saying that certainly there were other things in this province which had much higher priority than a courthouse for that area.

I would like the Attorney General to tell us about Mr. Scott's meeting yesterday and to confirm whether it is in fact his position as well, that in the scheme of things there are more important things for the Ottawa area, or for the province for that matter, than that courthouse.

Hon. Mr. McMurtry: In relation to the position of the official opposition with respect to the administration of the Legal Aid Plan, I am of course most interested, particularly in a minority government situation.

As for the views of the member for Ottawa East's associate the member for York Centre, I think I had very good reason to wonder what the position of the official opposition was. As the member for Ottawa East

well knows, the member for York Centre expressed his view in relation to Legal Aid during the 10th anniversary seminar at which he appeared on a panel, and certainly created the impression with everyone who heard him that as a member of the Liberal Party and as a lawyer he was speaking for his party.

I am not suggesting he used those words, but according to the report I had, he certainly created the impression with everyone who heard him that the official position of the Liberal Party was to adopt the Osler recommendation that the administration of the plan be turned over to a corporation.

I assume, therefore, that this matter has been discussed by the Justice critic of the Liberal Party and his colleague and that his caucus has arrived at an official position in respect to this. I assume that is what you are saying here today.

Mr. Roy: It has always been our position. I have told you this before and now I just want to put it on record.

[11:30]

Hon. Mr. McMurtry: I find it very curious that if that has always been the position of the Liberal Party, now the official opposition, one of the lawyer members from that party would take part in an important seminar associated with the 10th anniversary of the Ontario Legal Aid plan and state a position that was contrary to the position of his party.

I appreciate that our noble profession is one that is known for its independence. It may be the member for Lakeshore has struck a position independent of his party. Certainly that should entitle the member for York Centre to also strike a position independent from the official position of his party. I just hope that at the earliest opportunity the member for Ottawa East will advise him as to what the official position of the party is.

I suppose I should congratulate the member for York Centre on his independent state of mind, in not accepting the position of his party in relation to the administration of the Legal Aid Plan.

Mr. Roy: That happens on your side, too.

Hon. Mr. McMurtry: Maybe, because of his fierce independence and his overall intelligence, he will find that he has to take so many positions independent from those of his party that he might feel more comfortable on this side of the House.

Mr. Bradley: Never.

Mr. Cureatz: A lot can happen.

Hon. Mr. McMurtry: Obviously, for the member for York Centre there is a light at the end of the tunnel. I would be the last one to attempt to dampen that flickering flame, feeble though it may be.

In any event, with respect to the Ottawa courthouse, Mr. Scott, the director of courts administration, did not meet with representatives of the Ottawa bar yesterday. It is quite correct that the member for Ottawa South, one of my colleagues on the executive council, has met with the representatives of the bar association in Ottawa. My advice is that they will be having a further meeting in relation to the Ottawa court facilities. I am so advised by my director of courts administration; it's his understanding that the member for Ottawa South and the bar association will be meeting again in the very near future.

In the meantime, the director of courts administration will be in Ottawa at the beginning of the week, meeting with Mr. Belanger, president of the local bar association, in respect to other matters of interest to the Ottawa Bar Association and he will certainly afford himself the opportunity of pursuing the matter of the courthouse.

In relation to any statements attributed to the member for Ottawa South with respect to the fact that the government has much higher priorities in relation to capital expenditure, I understand that the member for Ottawa South and the member for Ottawa East appeared on some radio program this morning. I did not have the benefit of hearing that program, which I gather was broadcast only in the Ottawa area.

Certainly it is not a question of the government's having much higher priorities, it's a question of having a very limited capital budget in the interest of government restraint. The position of the Attorney General of this province is that the court facilities in Ottawa should be regarded by my government as a matter of urgent priority, of the highest priority. I can't now think of any other major capital projects that are proceeding at the present time, that weren't already under way for some time, in advance of the Ottawa courthouse. I want to make it absolutely clear that I regard this matter as very urgent. The member for Ottawa South also regards the matter as one of extreme importance.

What we're concerned about now is the issue of providing adequate facilities in rented accommodation for the provincial courts. I think the proposal to provide such

facilities for the provincial courts is a reasonable one.

As the Attorney General I would be delighted if the government could see its way clear to embarking on a fairly significant capital expenditure and building a courthouse. But knowing the constraints that other ministries are operating under, and knowing our constraint program is very much in the public interest, I can understand and appreciate and support the views of my colleagues. But in the meantime I would hope that there would be some meeting of the minds between the members, the practitioners in the Ottawa area and our ministry and the Ministry of Government Services, as to where we might provide these provincial court facilities, because they are needed.

I think it really is in the public interest to proceed with these court facilities, rather than encourage the bar association to hold out, as it were, until the government gives a definite time commitment with respect to providing a courthouse where all the facilities may be centralized.

I can appreciate the frustration of the Ottawa practitioners in this matter. If I were practising down there I'm sure I would probably be very militant myself in this issue. I'm not quarrelling with our colleagues for adopting this attitude. But I think it's important, notwithstanding their frustration with the government's capital budget, to recognize that it is very much in the public interest to provide these provincial courtrooms, which will be quite adequate and will be able to serve the administration of justice in a very important field.

As the member for Ottawa East fully appreciates, provincial courts deal with about 98 per cent of the criminal and quasi-criminal matters that are dealt with in Ottawa or anywhere else. The fact that we're prepared to provide adequate facilities at this level of the court is in the public interest and it's certainly in the public interest to proceed with those facilities as expeditiously as possible.

I would just express the hope that my colleagues in the Ottawa area would appreciate the importance of this in the overall public interest and would proceed accordingly.

Mr. Roy: If I could make a quick comment, Mr. Chairman. First of all, sure it's a matter of public interest and the bar has certainly been co-operative. They've been co-operative in other areas in establishing new programs like the pro forma, and the defence

bar has been prepared to co-operate on a number of programs to facilitate, to enhance, to make the system more efficient. That's not the point.

Their frustration is based on the fact that they were promised something now for about 10 years. They never got it. The last time they accepted so-called temporary facilities they got them for 10 years and they were totally inadequate. Then they meet with the ministry and the ministry says, "The best we can do for you is rent out on the outskirts of the city." You can understand their being somewhat hostile under those circumstances.

I certainly don't blame the bar association nor the citizens of Ottawa for taking every means possible to bring this matter to public attention. In fact that's been one of the problems. This government has understood in the realm of priorities that when there's a lot of public pressure they always do react. Unfortunately, there's not been sufficient public pressure on the administration of justice. This is why successive Attorneys General—and I'm excluding you, but a whole series of your predecessors—were not really giving justice. They were just caretakers more or less, just letting the system proceed along. Of course, you're left with the mess and you need money and you don't have it. You've only got a certain percentage of the budget, and it has been going down since you have been there.

I think our efforts are starting to work now in Ottawa. We're starting to get the public interested. I noticed this not only in Ottawa; I've got files here from when we were talking about Windsor and Toronto. I was listening to some counsel on the Gzowski show last night, about the system here in Toronto.

But I want to ask the Attorney General if the bar association goes along with you to rent provincial court facilities in an area which is suitable for that purpose within the downtown core—and there have been various proposals put to you; some people are even prepared to construct a building near the present courthouse and then rent space to the Attorney General to have court facilities; this may be one of the alternatives—but would you at least be prepared, if you're not prepared to spend any moneys for capital works, to spend some money to spruce up the old courthouse we have now? There are many rooms and courtrooms and offices in that place which require the expenditure of sums to make them adequate and to get full use out of that building. Would the Attorney General's department be prepared to do that? I

think that the bar association would be prepared to co-operate if they thought that the present dilapidated facilities would get some funds to spruce it up a little bit.

Hon. Mr. McMurtry: I think I can adequately reply to that suggestion, Mr. Chairman, by saying that Mr. Scott will be in Ottawa on Monday or Tuesday and I will have him visit the courthouse again to look at what might be done. It's been some time, I must admit, since I've visited the courthouse, but he will visit the courthouse next week with a view to seeing what might be done.

Mr. Roy: Aren't you supposed to go down there on December 13?

Hon. Mr. McMurtry: I may very well be going down there before Christmas.

Mr. Roy: I have been invited to a meeting.

Hon. Mr. McMurtry: I don't look too far ahead in my diary, otherwise I don't sleep as well. I think you're quite right. I probably will be in Ottawa within the next two or three weeks and I will personally undertake to make my own visit to the courthouse at that time. If the member for Ottawa East is in town on that occasion, I would be delighted to have his company.

Mr. Roy: The only other place I can be is here.

Mr. Lawlor: Mr. Chairman, I have a couple of matters preliminary to what I have to say in substance. First of all, I'd like to thank the Deputy Attorney General for the text on Dworkin. Those things are much appreciated. I'm glad he thinks of me sometimes.

The second thing I would like to say is to apologize to this House for the spate of ill-considered remarks made, as far as I'm concerned, the other day. It does not mean that on one side pomposity will not remain or that nincompoopery will disappear, I can assure you of that. But the hon. member and myself are speaking—just barely—and I just thought I would mention these things in the temper of the moment. The only excuse I can give—and excuses are never important in this life—is that for the past few weeks I have been under very considerable pressure.

[11:45]

In this vote, Mr. Chairman, I don't intend to handle each individual item. We're on item 1. What I have to say is about two separate matters tied in with one another.

I think the central issue in these estimates has to do with the administration of the courts in a general and overall way. Some of the courts are in a far worse condition than

others and the ministry has supplied to us—and quite thankfully—a breakdown. I'm not going into it right at the moment, but we shall make a review of this caseload situation.

Flowing out of the introductory remarks of a couple of weeks ago, I'd like to discuss the case flow management experience of the courts and the enormous backlogs in some of them. When you see figures in excess of a million cases pending—that's the whole works accumulating and not being severely cut into—and the Attorney Generalship apparently being hogtied and wrapped in winding sheets with respect to the operation of these courts, then the ministry has a whole series of nostrums which we can discuss at very great length. But it seems to me at this time that some form of surgery rather than the bandages, the anodynes or the injection of a little morphine will do very much for the thing.

I think you have to move in on a particular area. On the divorce area, I think you should perhaps set up arbitrations and remove that from the court. That may be one thing; and highway traffic accidents are another. I think the whole court system is moving towards arbitrations, anyhow, which is probably better, more informal, speedier, cheaper et cetera. It is a beneficial way of handling the operation of the courts. Or take more decisive action in the highway traffic cases. That's where the monumental accumulation is taking place. There is in excess of close to a million cases or 1.2 million, some fantastic figure which we will come to later on this morning or possibly on Monday. By the way, after I've finished the two points that I wish to make in an overall sense, as far as I'm concerned these estimates are over. There is so much we can do and so much we can't. There's another vote. I've got nothing that will be shattering or world catastrophic in that particular field.

The ministry has, on the central west experiment, pointed out what the objectives of that experiment were in its white paper on the subject. "The project management team concentrated on the following areas: Development of office standards for the provincial court, criminal division and family division." They apparently had no great difficulty in that area. "The general management of the court offices was by the management team," and apparently that was okay. "The development of effective techniques for allocating the work of court reporters in the preparation of transcripts; and (d) the development of statistical analyses methods and techniques."

That's going forward. It's a little out of date and not nearly quickly enough in order

to establish figures. I'd really love to see figures, either from this ministry or that of the Solicitor General (Mr. MacBeth) showing the number of cases laid, the number of individuals against whom they were laid and the number of convictions on specific counts registered. I think you will find that the convictions at the end of the day, and at the end of the process, are a very minor percentage of the magnitude of the charges originally laid. You may say that's highly beneficial in the sense that the system is sifting out and excluding the guiltless; on the other hand, I think it will prove the excrescence of original charges laid, I think that's what you'll come to.

I don't see statistics like that and apparently they are difficult to come by. If they could be provided, then I would ask that they be provided. Anyhow the statistical analysis is going forward. That's not your problem.

The fifth area was the development of the evaluative criteria standards related to court productivity. I think that is in the process and can be done. The experience of other even-more-loaded jurisdictions, particularly in the States, will stand to good stead. I am sure and I trust that you have sent down investigative teams, competent people from your department, to look into the operative procedures in possibly the California, and certainly the New York courts. The New York courts are in a dreadful state, so they must be plunging around in utter darkness trying to extricate themselves.

Finally, case flow management. Case flow management was the crunch. It was the barrier upon which your back was broken so you had to revise your whole scheme. I won't recapitulate the original remarks about how that had to be done and placed in the hands of the judicial council, but I do think what you say at point nine in your case load management should be in the record for the future, for people to refer to. I will just read that into the record:

"One of the most important initiatives taken by the project management team with the approval of the advisory committee was the development of a case flow management system in the provincial court criminal division in Halton county. Its objectives was to rearrange the work of the criminal courts to make maximum use of judicial and other resources and increase the convenience of the public.

"The proposal for a case flow management system involves the complete rescheduling of all the business of the criminal courts, the changing of the time of commencement of the

various courts, the reallocation of duties between provincial judges and justices of the peace, a change in the procedure of setting trial dates, a change in the take in procedure for scheduling first appearance of cases not previously dealt with . . ."

In that area, if I may pause for a moment, most of the courts that I know of in Metro are convening at a little earlier hour of the morning with respect to adjournment procedure, the setting up of separate adjournment courts for this specific purpose before us, the clearing out of the hallways and the overcrowding in the courtroom space itself in order to proceed with regular trials.

"... a change in the number of location of various court sittings, the development of a new system for streaming certain types of cases into different courts"—that's part of that, too—"and the allocation of specific blocks of judicial time for the disposition of certain types of cases."

All to the good; all being ventured upon and done. But again apparently you are up against formidable backlogs and formidable obstacles. While you go on to the treadmill and run like blazes—you ran a little better than these fellows as a tennis player apparently, but as the Attorney General you are running like hell, but you don't seem to be getting very far, as far as these statistics indicate. It must be terribly disheartening, particularly later on in the morning, but what does it mean?

I agree with you that the whole solution by no means lies in there—the courtroom space or in the judges. It's the allocation of the present space and present judiciary that is critical to the issue. It requires an incisive moving in by you into some one or other designated area to take out or by surgery cut off that particular limb which is presently clogging the court channel and which is probably better located in some other mode of tribunal, or by some other way.

You have a wide discretion in this particular regard, and I think you are going to be driven, as the months go on—because you are not going to make major inroads into that court backlog, as I see things—you are going to be driven to adopting some alternative scheme completely in order to lift the burden from the regular courts and the judges of those courts.

That is the basic background as I see it. I have to concede that setting up of the judicial council and working in close conjunction with the office of courts administration, and having primary and immediate and direct control over that is good. However, you were driven

to that; that was the only feasible alternative you had.

I have severe doubts about the advisory committee to courts administration, its setup, its constitution, its effectiveness, its range of powers, its putative capabilities, all these things. I think it's probably a sponge more than a prickly pear. I suppose what you are really saying is that you need some quasi and relatively independent body out here to siphon off some of the gas that may arise between the offices of all these chief judges and associate judges and the administrators of the courts themselves, who are really the people in the middle of this whole thing. You are seeking to make them effective and I think you have to watch the situation with enormous delicacy and care, because you are still going to get very considerable chaffing at both ends.

These men in the judicial council are not trained administrators. That's admitted; they don't pretend to be. Nevertheless, they are going to have to have a very close and critical, incisive knowledge of court administration. How they are to acquire that puzzles me. They are going to be very dependent upon and rely—and this will run against the grain—on the court administrators as such, the qualified, so-called expert people.

At the other end, the rub will come with the judges. You may get some soothing and a rubbing of ointment into the wounds, because it would be their fellow judges who are doing it, although I think we will have to agree that those who call themselves the operative judges, the working bench judges, are going to acquire increasing resentments against this tribe of administrators over here, who would be better occupied sitting on the bench than in their offices looking over statistics and consulting with court administrators.

For you to do it yourself, or for your department to do it, would cause even greater aggravations. It has, and it has been proven. So just how that is all going to be worked out is a matter for the conjuring trick. Watch the rabbit come out of that particular hat. I think that's all I want to say on that aspect of courts administration this morning.

Mr. Stong: I do have some specific questions to ask on the issue. I understand we can address our remarks to the vote as a whole rather than on items, because there is a certain overlapping of some of the things I did want to ask the minister.

[12:00]

Mr. Chairman: First, we were trying to keep it to item 1. I realize it's difficult.

Mr. Lawlor: I have something on item 2; try to keep it on item 1.

Mr. Stong: First off, I would like to begin my remarks by indicating that I disassociate myself absolutely and completely with every phrase, word and sentence of the remarks made in this House on November 1 by the member for Brant-Oxford-Norfolk (Mr. Nixon) in relation to legal aid.

I also would like to make clear my position with respect to legal aid and a meeting that I attended as a representative of the Liberal Party in the summer during the election campaign. At that time I was introduced as the critic for Justice and I indicated at that meeting that I was not, that I was speaking as a member in a private capacity, and that I did agree with the Osler report and the administration of legal aid. It is not the policy of this party that the administration of legal aid be turned over to a private company. I want to make quite clear to the Attorney General that I was speaking in my capacity as a private member as opposed to voicing the policy of this party.

Mr. Chairman: Would the member return to vote 1306, please.

Mr. Stong: Yes, Mr. Chairman. With respect to program administration, although I still agree with the Osler report, I bow to the policy that we have formed here. We're talking not about the principle of legal aid, but the administration of the plan.

Mr. Roy: Cut him off.

Mr. Stong: With respect to the administration of our courts, I concur with the remarks made by the member for Lakeshore (Mr. Lawlor). It seems to me there are getting to be greater demands on judges' time. In the daily work routine of our court system, from provincial court right up on through to Supreme Court, judges are required to give written reasons or they seem to have it incumbent upon them to give very specific reasons for their judgements as based in law, which they must research. I think that's good. I think that's very good for our system and it's good for those who appear before them.

But insofar as judges are called upon daily in most matters—and there is no uncomplicated matter before our courts these days it would seem—and insofar as these requirements are being made of their time, it seems to me that we must study the allocation of judges and perhaps the allocation of a judge's time. No man or woman can sit on the bench for six hours of any day and listen steadily to evidence in an intelligent way, in a comprehending way, and be expected to come forth

with an intelligent decision; it's almost impossible.

It's tiring to listen to six hours of evidence a day and then be required subsequently to research the law, relate the law back to the facts and come up with a decision. It would seem to me we have to think in terms of remedying the backlog, by at this time perhaps not requiring more court space but more judges. The member for Lakeshore is right—we should consider the acquisition of more judges and allow those now on the bench that time required to write the decisions, to research the law and generally attend to their duties of adjudicating, without worrying about sitting for six hours a day or more in some cases. I've heard of judges staying there till 8 o'clock at night to get through a list. We have to overcome the backlog in that way, in my respectful submission.

Likewise, it seems to me there is room for the extending of jurisdiction to our provincial judges. Extending the jurisdiction, I think, is something that should be reviewed. Perhaps there are too many levels of trial. Perhaps the two lower levels should be combined. Perhaps our provincial judges should be given the jurisdiction to hear cases with juries as well, so that we can at least have the advantage of two levels of trial to help expedite matters. There are more cases heard on the lower level. It would seem to me that if we had the complement of the county court judge by virtue of the amalgamation of jurisdiction, in some way we could assist the situation. It is something, in my respectful submission, that ought to be studied.

Also, in as far as there are claims going through our civil courts in matters of restitution, it would seem to me that it would be good, and I asked the Attorney General earlier, to consider amending the provincial courts Act and the county courts Act so that there is absolutely no doubt that provincial judges and county court judges do have jurisdiction over property and civil rights, as could be granted in those Acts, to order restitution. Then there would be no hesitation and it would lay to rest forever the problem of infringement of jurisdiction in that area.

There are cases, but they are conflicting cases, throughout our jurisdiction on this issue. There are difficulties that arise and arguments that require court time, wasted time in my respectful submission. Judges should be allowed to make orders of restitution and no one should be allowed to waste court time arguing against the principle that a provincial judge be allowed to make an order of restitution because it is a matter of

property and civil rights and it is not within his competent jurisdiction to do so; likewise in county court, where these judges are appointed by the federal government. We should amend those Acts and lay that matter to rest completely, and forever.

I might as well, at this point, when we are talking about the administration of the program, ask the minister what is happening in the area of North York, with respect to the establishment of provincial courts. I stand to be corrected on this, but I understand the borough of North York is vacating offices some time in 1978 and that there are long-range plans for the takeover of those offices and the establishment of courts. In the interim, I am advised, there are short-term leases being taken up on factories in the area, and those factories are being converted to courts to meet the need now.

If that is so, why are we wasting so much money, or why is the ministry entering these short-term leases for the conversion of these factories when the borough of North York offices are to be vacated in 1978?

This is information, as I said, that I stand to be corrected on. But that is my understanding. I would like to have some direction from the ministry with respect to plans in this area, particularly in the area of North York.

Hon. Mr. McMurtry: Mr. Chairman, in relation to what progress, if any, we are making in relation to court backlogs, there are a few remarks I want to offer in respect to this very serious issue. I am optimistic that some of our initiatives will bear some fruit in the not-too-distant future.

The increase in the small claims court jurisdiction to \$1,000—maybe we should increase it beyond \$1,000 in the very near future—should relieve the county courts, to some extent at least, in the areas where there are these backlogs.

We are encouraging the judges at all levels in the civil courts to engage in pre-trial procedures in relation to both civil and criminal cases. As you know, Walter Williston and the committee which I appointed two years ago have been working on a review of the rules of practice, which I hope will help remove some of the unnecessary complexity of pre-trial proceedings—interlocutory proceedings—which sometimes are referred to as a form of ambush tactics. I think that, hopefully, will relieve judges, both county and Supreme Court, of some of their burdens in so far as dealing with these interlocutory matters is concerned.

As you know, Mr. Justice Arthur Kelly, reported recently with respect to his review of the appellate jurisdiction in this province. With respect to judges we have increased the Supreme Court bench in the last two years by almost a third, the county court somewhat less and the provincial court bench has increased during my tenure—both family and criminal—from 158 to 186. So we have made some significant efforts in that direction to relieve these backlogs.

But at the same time I hasten to mention, so far as these backlogs are concerned—a problem which is of grave concern to me and which I have always stated was of grave concern—I still think we can point to the fact that our backlogs have come nowhere close to the critical situation which has developed south of the border in relation to urban centres of a similar size.

I consider the matter critical, and I have never hesitated to state it was critical. I have often said it publicly, and I am sure these words will be repeated in the material that is before you, that I regard the case-load backlog as having the potential of undermining the administration of justice in a very serious way if some resolution isn't found.

Fortunately I think we can say that we are in a much better position than jurisdictions that are comparable from an urban standpoint. Discussions I have had with the chief judges and the senior judges would indicate that the time between arrest and trial, and the time between when the action is set down for trial in a civil case and the actual trial is a relatively manageable period. But I don't say that, I emphasize, with any sense of complacency whatsoever. This is a matter which must continue to be given the highest of priorities, and a matter which must continue to occupy a good deal of my time.

In respect to courts administration, we had our key courts administration people taking courses, in the US, for example, to study useful new developments there that are taking place in certain areas. During the past year we have had special management courses for some 135 of our provincial court administrators, and 87 of these court administrators are presently in a program being run by Sheridan College.

Before leaving some of the issues raised by the member for Lakeshore, I should say that I had a very useful meeting during the past week with the new Chief Justice of Ontario. He certainly indicated his enthusiasm about participating in the resolution of the problems of our courts at all levels.

Mr. Lawlor: Enthusiasm now?

Hon. Mr. McMurtry: I think it is very important that the stature—

Mr. Lawlor: I would have thought he would have taken it on as a duty, not enthusiastically.

[12:15]

Hon. Mr. McMurtry: No, actually, Mr. Chairman, in some provinces the chief justices regard their duties—and this is nowhere spelled out to my knowledge—as pretty well being restricted to the appellate courts in those provinces. I think it's useful and important that the new Chief Justice, as did his two predecessors, should indicate recognition of the importance of his position in relation to the administration of justice generally. I think this is very important, because I do believe their stature enables them to bring to bear a very useful influence in relation to the administration of courts generally. He's quite agreeable, for example, to heading a judicial council which initially will act as an advisory body.

I made it quite clear that I believe for a number of reasons that a judicial council, such as the one contemplated by the white paper, should as a first step at least act in an advisory capacity to the Ministry of the Attorney General, more particularly to the Attorney General. I believe this is a very important step forward.

With respect to the matter of restitution raised by the member for York Centre, I agree with him that our judges should have jurisdiction in relation to these very important matters. As I think I indicated recently, the Supreme Court of Canada will be making a decision on this matter before the end of the year early next month, I expect. In the event the Supreme Court rules those particular sections of the Criminal Code unconstitutional, I can assure members opposite that we will be bringing in amendments forthwith in order to provide that jurisdiction. These amendments would be forthcoming when the House meets again in February. So we're very much aware of this particular issue.

About the issue relating to provincial courts in North York, we will be opening up seven criminal courts in North York at 1000 Finch Avenue West. We've been wishing to proceed with these courts for some time and they will be available by March.

In so far as the old municipal building is concerned, I gather it wasn't made known until quite recently that this would be available. If we were to change direction at this point, and if we could change direction without exposing ourselves to some very sig-

nificant liability for any leases we've entered into, I'm told the old municipal buildings would require very extensive renovations and this whole matter would be delayed. I'm very anxious to proceed with these North York courts, because the issue is tied in so much to the decentralization program that we talked about in relation to the Crown attorney system.

And of course we are providing additional provincial courts in order to attack the backlog.

There's one matter to do with the backlog in the provincial criminal courts that is of increasing concern to me. This issue is one about which there doesn't appear to be any ready solution. I mention it in order to indicate to the members opposite that they might reflect on this and offer me any advice they may have on this very difficult area in the weeks and months ahead. Statistics indicate a very large percentage of the criminal cases that are scheduled to proceed in the provincial court do not go ahead at the last minute, simply because counsel is in another court; I am sure that when counsel advise courts that they are engaged in another court that information is correct.

It's an alarming statistic in some areas. In some areas as many as 50 per cent of the proceed dates do not actually proceed. As a result we have lists folding and empty court rooms. I can tell you this makes it very difficult for an Attorney General to persuade the public as to the need for additional court rooms, and through the public their elected representatives, when court space is not or does not appear to be properly utilized, when people visit the provincial court rooms and see the courts empty early in the day.

It's a very difficult issue, because it relates to a very fundamental right that we've long recognized in this jurisdiction, namely the right of an accused to a counsel of his or her choice. I don't suggest for one moment that is not a right that should be given very great recognition. In other areas I've mentioned, for example Scotland, where you have a split profession, barrister and solicitor I learned this summer that if a court date is set the case goes on. There have to be the most exceptional circumstances, which very seldom occur, to delay the trial. Of course with a split profession, it often means that the solicitor who is retained is briefing new counsel at the last moment. I think I indicated a few weeks ago when asked about this, that this would be considered a very revolutionary concept in our courts, and certainly with a fused profession it may make it very difficult.

It's a matter that does frustrate the provincial court judges all over this province. I know, because I've had a number of them convey messages to me through their senior judges saying, "We want to put in a good day, we're set to go; and then we get there in the morning and we see, day after day, our lists collapsing because counsel are in other court rooms."

As I said at the outset, I don't have any solution to that. I would be the last one to suggest that we should lightly interfere with the basic right of an accused person to have counsel of his or her choice. But unfortunately in some areas where the counsel work, and Ottawa, I think, is a pretty good example, a relatively small percentage of the bar does virtually all the criminal work. This is a particular problem.

It may be that some time down the road the public is simply going to rise up and say, "Look, we can't afford to have our court rooms empty to the extent they are because counsel are in another court room." It may be that the public will just tell us, "Look, an accused person is going to have to prepare to be represented by Mr. A or Mrs. B, et cetera, in order that these trial dates may proceed."

I just mention this in passing, not because I have any solution, as I said at the outset, but because it's a matter that concerns me greatly since it does cause a great deal of frustration in the system with the judges, with their lists collapsing, with police officers who are there with their witnesses ready to proceed; and of course with citizens in court, taking a day off work, who are told that their case isn't going on and to come back another day.

It's a serious problem. I mention it again in order that my colleagues opposite might reflect upon it. As I've always encouraged them to do, I hope they will let me have the benefit of their advice if they think they have any useful suggestions in this respect.

Mr. Roy: We always have useful suggestions, you know that.

Mr. Stong: Getting back to the point of the North York courts: As I understand it, there are going to be seven courts established. I wonder if you can tell us what the lease arrangements are on those courts? What's the term of them?

Hon. Mr. McMurtry: Five; and five renewable.

Mr. Stong: And is there an intention in the ministry at this point to renew or, in the meantime is it going to work to renovate the borough offices? Are you going to appoint

new judges; and how many judges do you perceive being needed in that area?

On the second point, you indicated the lists are collapsing. I believe that is a problem we have to consider. Why are the lists collapsing? As you indicated counsel is in another court, that's usually the reason; and we accept that?

Mr. Foulds: We don't accept that; a doctor doesn't doublebook operating theatres.

Mr. Roy: You would be the first person to object if you didn't have a lawyer.

Mr. Stong: Why is counsel in another court? Is counsel in the other court because the other court is a higher court to which he was called, or is it a continuing case in a higher court? Or is it a matter of overbooking himself? In so far as it's a matter of overbooking himself, we should have provisions in our law to assess costs against counsel, who would be required to pay the costs of the court for that day if he has overbooked himself in two provincial courts. But if it is beyond his control that's another matter; and oftentimes in jurisdictions outside of Metropolitan Toronto the assizes come up; he has his cases booked in low court and then the assizes come up and he goes to assignment court. He is told, basically, when the case is going to proceed, and then he has to make arrangements in low court to get those matters adjourned, because the assizes do not last as long. There are more cases in low court and he is caught in a bind.

Maybe the other answer to this is that people in Ontario should be prepared to accept his partner, or another person who is not as qualified in criminal law to represent them. I don't think we should have a split between the barrister and solicitor. I think it's more valuable to the community to have those titles in one individual.

However, there's one other matter we should consider; and that is perhaps extending the jurisdiction of our provincial judges to have jury trials, thereby amalgamating, in certain circumstances, the two levels of court where most cases take place, provincial and county. Then there would not be the problem of overbooking or overlapping, or one court maintaining that it has higher authority and higher jurisdiction over the lower court and confusing the list. If we extend the jurisdiction of the provincial court, and the county court and the provincial court are amalgamated in terms of jurisdiction, you wouldn't have the problem of one court assuming it has higher jurisdiction, and therefore preference over the lower court, which deals with 95 per cent of our cases.

It seems to me that if a lawyer overbooks himself in provincial court he should be assessed costs for any inconvenience he causes.

Mr. Lawlor: That's what the British do.

Mr. Stong: If he is required in county court as the result of a case continuing beyond his control, then that's something that may be alleviated by extending jurisdiction. Those are matters that I think the ministry should address itself to in trying to alleviate this problem.

Mr. McClellan: Just as a preliminary observation, I hadn't been intending to speak on this subject but the member for York Centre has made a lot of sense. For those of us who are not lawyers, the notion of lists disappearing because lawyers have overbooked themselves is simply intolerable. The member for Port Arthur points out that if a doctor books himself into two operations simultaneously he would probably lose his licence. There ought to be accountability for lawyers who are overbooking themselves, they ought to be disciplined and it's as simple as that. There are obviously other factors as well and they need to be addressed administratively, but lawyers have been overbooking themselves for a long time, I gather. It's just part of the profession of law.

Mr. Roy: The only way they can make a living on legal aid is to overbook themselves.

Mr. Foulds: Oh for goodness sakes, I have never seen a poor lawyer.

Mr. McClellan: That brings tears to my eyes. I'm not overwhelmed by that argument. [12:30]

Who is being ripped off? Not the lawyers and their income, but the clients who are left stranded in court or the witnesses who are called into courts five, six, seven and eight times; and each time it is remanded. I would hope the Attorney General would bring in measures that will render lawyers accountable and require an examination of absences and an explanation, and discipline where it is clear that an overbooking has taken place. The solicitude on the part of the lawyers and the House for the creating of new judges is highly suspicious, Mr. Chairman, highly suspicious.

I wanted to talk just for a few minutes about the matter of children's rights. It's a question of the administration of the family courts. The Attorney General has commissioned a report on the representation of children in the provincial court, family division, which was received earlier in the year. I just wanted to ask a couple of questions. The report was received in June, 1977. I just

wanted to ask a couple of questions with respect to its status and the Attorney General's attitudes and responses to the report.

The Ministry of the Attorney General is, I guess, the only ministry aside from Community and Social Services which still has a finger in the children's services area through its responsibility for the family court. There is considerable confusion, which I would like the Attorney General to clear up this afternoon, with respect to his attitude to the question of the legal representation of children in family court. I draw to the Attorney General's attention an article in the *Toronto Star*—I am sorry I don't have the date, but within the last couple of days. It is by Paul Dalby and describes some comments the assistant Deputy Minister of Community and Social Services, George Thomson, made with respect to the need for a bill of rights for children. Judge Thomson is quoted as saying that Ontario should draw up a bill of rights to protect its children and he went on to list—

Hon. Mr. McMurtry: He said children outside the family. He restricted it to that.

Mr. McClellan: Okay, I am not trying to put you on the spot. What I would like is a clear statement of your own views with respect to this matter, and to the question of legal representation. Secondly, I ask whether you intend to follow the recommendation of your committee on the representation of children in provincial court, family division; the recommendation on page 34 of the report that recommends an amendment to the Provincial Courts Act, as follows: "Where a child is not legally presented to require a judge at the time of an application under part 2 of the Child Welfare Act, or any stage of such a proceeding, to determine whether legal representation of a child is desirable; and secondly, if the judge is of the opinion that some representation is desirable to appoint counsel to represent the child." We have been told there are a number of proposals forthcoming from the Ministry of Community and Social Services.

I don't know whether they plan to establish legal representation by amendment to the Child Welfare Act or whether legal representation will be established in accordance with the recommendation of your committee, so I would like to know: (a) Your view on the question; and (b) how the government intends to introduce legal representation and what kind of legal representation is intended to be introduced.

I apologize if this subject has already been discussed, but I haven't been here through-

out. I would like to know the status of the recommendation, again of the same committee, with respect to the establishment of three pilot projects in the family courts in Willowdale, Sudbury and Guelph, which would serve to develop firm and comprehensive guidelines with respect to the legal representation of children before the courts.

Would the Attorney General like to respond to some of those points?

Hon. Mr. McMurtry: As I indicated earlier in the estimates, I initiated the committee on child representation because of my own view that there was some question as to whether they were being adequately represented.

With respect to the Children's Aid Society, which has a very serious mandate in this area, and a mandate that I generally believe they carry out very well, I felt that in dealing with the whole family, which is their principal responsibility, occasionally there could be conflict between the family and the child. I was very strongly of the view that children should be heard and that they should have their opportunity to be represented.

In January, by reason of my personal concerns, I caused this I believe excellent committee to be established, by Professor Mendes da Costa; and he has given an initial report. I have indicated that funding will be made available for these pilot projects that are being developed. I am sorry I don't have the report in front of me, and I can't specifically remember, but I think the locations you mentioned are all quite accurate. I am just trying to recall whether we have other locations as well. They are proceeding with that, and their mandate will go beyond the provincial court.

In the meantime, our Official Guardian, Mr. Lloyd Perry, has been very much involved in providing separate representation for children in custody actions. This has expanded quite dramatically over the past two years. I am told there are about 150 custody actions in the Supreme Court whereby the Official Guardian's office is providing legal counsel for children, quite independent of the legal counsel who are representing the principal litigates, the mother and father, the spouses.

The member for St. George (Mrs. Campbell) and I had an interesting exchange of views the other day about child representation generally. She expressed some very important views in respect to child representation in criminal actions where the child is the victim. This is a very important area, particularly when the child has been victimized by the child's own parents, often of course

unfortunately involving a father and daughter situation. It is important that that child be represented and be protected.

Of course when the child is victimized by anybody it is a very frightening experience; the whole business of appearing in court and giving evidence and being subjected to cross-examination can have some lasting detrimental emotional effects. This is all part of our concern in relation to that. Certainly with respect to children's rights, in so far as a bill of rights relating to a child's treatment when the child is in someone else's custody other than the parents is concerned, I don't think there is any question but that the child must be protected by a series of laws that will protect the child in every area.

My own concern in this area was restricted to matters within the family circle. As to what extent you start to develop bills of rights for daughters, another one for sons, for mothers, fathers, husbands, wives—what I was concerned about was not getting overly involved in passing legislation that might simply encourage disruption within the family unit when it is an ongoing unit, as opposed to rights that must exist in the law generally for every individual, regardless of sex or age. I think Judge Thomson and I are on all fours with one another in our concerns in respect to that.

The matter of the amendments to the Provincial Courts Act, which was recommended by the committee on child representation, I support completely and so does the Minister of Community and Social Services (Mr. Norton). He has a package of legislation coming forward and we are waiting for that, but it may well be that we will be presenting an amendment to the Provincial Courts Act ourselves before Christmas. I can't give a firm undertaking in that regard, but I think it's quite probable.

Mr. Haggerty: Just get the family law reform first.

Hon. Mr. McMurtry: I'd be delighted at any assistance that might be offered from the members opposite to proceed with the family law reform legislation. I've certainly made it quite clear to the chairman of the justice committee that I would hope that we would proceed, that we hope we're going to get it through before Christmas.

Mrs. Campbell: If you amend the estimates, then you would get it through.

Hon. Mr. McMurtry: No?

Mr. B. Newman: Let's get the show on the road.

Hon. Mr. McMurtry: I see. I want to make it absolutely clear that I believe this whole

area of children's representation is a very important one and one on which we in the ministry, within the last year or two, have taken very substantial initiatives in respect to furthering the concept of child representation throughout the system of justice.

Mr. McClellan: It's a pleasure to respond and thank the minister for his response. I would hope you would proceed by way of amendment to the Provincial Courts Act rather than through the vehicle of the Child Welfare Act. I think it's a solid recommendation. I have talked to members of the committee. I'm familiar with some of the thinking behind that recommendation and I commend it to you. Thank you.

Mr. Bradley: I listened with a good deal of interest to members who have indicated the need for a court-house facility in their particular constituencies. The member for Ottawa East (Mr. Roy) spoke at some length and on different occasions about the real needs that exist in the city of Ottawa.

I would also draw to the minister's attention the dire need for a new court-house in the city of St. Catharines, a need which has been documented many times over the years.

Mr. Haggerty: Twenty-five years or 30 years.

Mr. Bradley: I was doing some research on this; and it's rather interesting when you are a member of the opposition when you are doing research. The minister has an excellent staff available to him and certainly he is well versed in legal matters.

[12:45]

I went to the St. Catharines public library and paid \$4.90 to photostat some articles that have appeared in the St. Catharines Standard over the years, all of them pointing to the real need for a court-house in the city of St. Catharines. I noted a list of some 30 articles that were available, many of them describing the reports of what must be over 15 grand juries which have now condemned that particular present court-house. Members who have been around the Legislature for a while will recognize that the court-house is something that has been promised for a number of years. I can recall back in 1971, I think in April of that year, it seemed to be very imminent.

Mr. Haggerty: That was an election year.

Mr. Bradley: I would presume it was only a coincidence there was an election in the fall of that year, but certainly it seemed to be on the books at that time. It still has not appeared.

I would like to mention some of the articles that have appeared and some of the grand

jury reports, and some of the problems that exist at the present time at that court-house. Here is one that goes back to what looks like 1954, which says: "Grand jury finds county court-house to be overcrowded. Grand jury again condemns lack of court-house facilities." It discusses some of the problems that exist.

Mr. Haggerty: That letter was sent to Premier Frost.

Mr. Bradley: I am now updating it to 1971, to be fair to some who presently sit in the House. This is from the St. Catharines Standard: "A Supreme Court grand jury has taken up the cudgel of its predecessors and soundly condemned the King Street court-house for inadequate facilities. In a two-page report to Mr. Justice J. H. Osler, presiding at the winter assizes of the Supreme Court of Ontario, the jury cites six inadequacies in the century-old building. They include inadequate fire protection in all offices, inadequate working and storage space, poor location for Crown attorneys' offices and special examiners' room, insufficient parking facilities, unsatisfactory heating, ventilation and air conditioning, no waiting room areas for petit juror panels summoned to duty. 'We have concluded that the building is obsolete for its present purposes' the grand jury reported."

In February, 1971 under the heading "Grand jury remaining empanelled until court-house plan produced," the paper reported: "For the first time within memory a grand jury has remained empanelled after its official duties are over. Judge Donald B. Scott, presiding over the third day of the winter sittings of county court for the judicial district of Niagara North, acceded to a recommendation by the seven jurors that they not be dismissed nor discharged until a positive plan for a new court-house or alternate court accommodation is produced. Judge Scott told the all male grand jury "—I don't know whether that is significant or not—" he was intrigued with their request and could see no reason why it cannot be complied with. However, he pointed out that the per diem rate of pay could not, of course, be continued." The article continues, talking about the inadequacies.

An editorial appeared in the St. Catharines Standard, on June 21, 1967.

Mr. Lawlor: Now you know why they abolished grand juries.

Mrs. Campbell: Exactly, it is embarrassing.

Mr. Bradley: The Standard could not be classified as a newspaper unfriendly to the present administration. I quote from an editorial entitled: "No justification for delays," which said: "There can be no longer any

doubt"—this is 1967—"about the need for new and adequate administration of justice facilities in this city. As Mr. Wishart, the Attorney General, pointed out in his recent letter to the city, the volume of court work and the concentration of population will require a court-house in St. Catharines, regardless of whether or not any form of regional government is established. When the Supreme Court of Ontario is forced to hold its session in the city council chambers because of the inadequacies of our 120-year-old court-house, as happened this week, it is time indeed for action to be considered."

Mr. Roy: That was six Attorneys General ago.

Mr. Bradley: I won't quote specifically from this, but on July 17, 1971 the paper said: "Government continues to pour money into court-house to keep it operable." That demonstrates that the maintenance costs are pretty high. This is an article by Mr. Tom McCarthy in the St. Catharines Standard. Mr. McCarthy, by the way, sought the Conservative nomination, I think in 1975. He wrote: "The building which has outlived its usefulness as a centre for the administration of justice has recently received several repairs and changes in the hope local members of the judiciary and officials of the court will be satisfied. Of course, they will not." He continues to document the problems which exist there. "Observations contained in the report of the Ontario Law Reform Commission with respect to the administration of Ontario courts published last year indicate what a low priority the administration of justice has in this province." And again it condemns past Attorneys General, or at least the government, for not being able to find these funds.

"Court-room shortage will force use of regional council chambers," November 16, 1972. "Jury attacks court facilities, has lunch with inmates at jail," January 10, 1975. Again, documenting the problems. "Grand jury finds it unbelievable that no action taken on court-house after reports of other juries," January 11, 1973. "Another grand jury raps conditions at court-house," March 31, 1976. "Another grand jury raps conditions at court-house," April 1, 1975. The list goes on, Mr. Chairman, I needn't go through each and every one of them.

Mr. Roy: Please do.

Mr. Warner: Sounds like Ottawa.

Mr. Bradley: But I will choose one which does talk about the specific problems that exist: "Small, congested, totally inadequate offices, poor working conditions for the staff resulting in inefficient operation, poor morale

of staff, the lack of washroom facilities for lawyers—"Now, there's a real problem. "-poor condition of the petit jury room-" described as "-too small with no proper ventilation." I was in that room; it looked more like a cell than it did like a jury room.

Mr. Warner: Sounds like a description of my office.

Mr. Bradley: To continue: "Lack of a holding room for prisoners on trial; the total inadequacy of central filing system for legal documents; the antiquated layout of the building, which is not conducive to an efficient operation; poor lighting, acoustics and lack of air conditioning." The air conditioning consists of opening the windows and listening to the buses going by, because the central bus station is at that particular location, and listening to the rude remarks of those who have no respect for the judicial system; obviously not.

Hon. Mr. McMurtry: It is called participatory democracy.

Mr. Roy: No, no; they are just cursing other judges.

Mr. Bradley: Here is one of my favourite articles, Mr. Chairman. "St. Catharines may soon get a new court-house," April 24, 1971. "It's finally happening! St. Catharines may soon be getting a new court-house. T. R. Hilliard, Deputy Minister of the Ontario Department of Public Works informed city council in a letter last night it has an option on the Wright estate on Duke and James Street."

Mr. Roy: When was that one?

Mr. Bradley: That was April of 1971, election year 1971.

Mr. Roy: Oh yes, there was a pending election there. Promises were flowing free and fast.

Hon. Mr. McMurtry: If we kept having elections every year, we would get some court-houses built.

Mr. Bradley: It did not use the phrase in the fullness of time.

Hon. Mr. McMurtry: Well they should have.

Mr. Bradley: Mr. Chairman, I won't use up the time of the House in repetition, but needless to say it does continue on and on; one after another we see these comments. I'll quote very quickly from a 1975 article by Mr. John Morrison: "For years, I believe dating back to at least 1935, the present court-house has been considered inadequate." That is to say the least.

Mr. Warner: No wonder you guys lost down there.

Mr. Bradley: "Grand jury happy to report on a final tour," and so on.

Here is my favourite, Mr. Chairman, because this does show some positive action, this present one. My colleague from the city of St. Catharines, representing the constituency of Brock, the Hon. Robert Welch, says this, and certainly I am very pleased to hear this: "New court-house next, and soon." This is June 23, 1977. I hope I am not reading this in the House 10 years from now, "St. Catharines may be getting a new district court-house before long."

Mr. B. Newman: We will build one.

Mr. Cureatz: You will never get over here.

Mr. Bradley: "Culture and Recreation Minister Bob Welch said yesterday that we may have one soon, built on the site of the old downtown library, although he couldn't give any specific and definite date."

Mr. Haggerty: Wintario grants.

Mrs. Campbell: Culture and recreation!

Mr. Bradley: Mr. Chairman, at the present time the various legal agencies in the municipality are scattered about the city; the registry office, the local examiner, the small claims court, the provincial court and the family court, are located apart from one another; ideally they should be brought together in one justice building. One lawyer gave me the example that real estate transactions are very difficult to close under these particular circumstances. He gave this as only one example.

The minister would be familiar with the downtown revitalization committee task force that met with him and has communicated with him the real need for a court-house. The committee contained some members of the legal profession, but many are not and certainly they too see the need for it.

There is a certain uncertainty that some people tell me about in St. Catharines that the province is never going to build this court-house. I don't believe that of course, but they would like to see some of the foundations laid so that they could believe some of the promises that were made over the years. The immediate construction of the court-house would indicate the province's real concern about downtown revitalization in the city of St. Catharines and the fact that it has faith in the downtown area.

I can understand the Minister of Treasury, Economics and Intergovernmental Affairs (Mr. McKeough) being concerned about costs, particularly operating costs. By bringing all these facilities under one roof surely the operating costs themselves would not in-

crease to any great extent. The minister will be familiar with the fact the province, on behalf of the city, has now demolished two buildings considered to be architecturally attractive and somewhat historic because there was a court-house to be built. I refer to the Wright house and to the old library. Many are concerned that these were torn down for nothing and that it will remain a very unattractive area for quite some time. We might have retained the front portion of that. It's gone now and I'm not going to drag that dead horse through the whipping line again.

I have a letter written by the Premier (Mr. Davis) that the minister would be interested in, because the communications I've received from the minister had made me optimistic that there was a definite movement in this direction. The Premier, in reply to a constituent in St. Catharines, wrote a letter which probably caused some pessimism in the minds of the community. It says: "Dear Mr. and Mrs. Gibson: This will acknowledge your letter in which you expressed concern regarding the demolition of the St. Catharines library. I understand that the decision to demolish this library was, as you stated in your letter, a decision of the municipal council of St. Catharines." That is inaccuracy number one. "Due to financial constraints it is unlikely that the court-house will be constructed by the province in the near future." This was the one that really brought many people to the edge of jumping off the top of the present building. "I have forwarded a copy of your letter to my colleague, Hon. Roy McMurtry, Attorney General. Thank you for bringing your views to my attention."

I assume this is a case of the right hand not knowing what the left hand is doing—not that the Premier should know in every detail what's going on, but I assume the Attorney General knows in more detail what is going on.

At the present time, in the present economic climate, the opportunity to build a building at a relatively low price is there before us. Competitive tenders for all buildings are the norm rather than the exception. I think this would be excellent to see the project started because of the fact there is so little business going on in the construction industry. It would aid in alleviating unemployment problems in the construction industry and keep businesses viable. These are not the most important reasons for building, but they are the most important reasons for building at the present time.

The city would like to use the present older court-house building for other purposes.

The municipality is now renting office space for the engineering department, which could be moved into that building which it is my understanding the city owns; or possibly the museum could be moved in there.

I implore the Attorney General to proceed as quickly as possible with this building on behalf of the residents of the city of St. Catharines and on behalf of seeing justice really done in a concrete way in the constituency of St. Catharines.

Mr. B. Newman: Invite him down for the ground breaking.

Hon. Mr. McMurtry: I can assure you that if it were my decision alone to build a court-house in St. Catharines, or in Ottawa, I would be out with my spade this afternoon digging the first hole.

Mr. Swart: The Treasurer won't let you.

Hon. Mr. McMurtry: I don't think there is any doubt that those court-houses should have been built some time ago. Believe it or not, I'm going to an opening of a court-house this afternoon in Barrie. At the same time, I sometimes wonder if we shouldn't pass some special legislation to protect our court-houses, particularly the new ones, as an endangered species, because I'm very concerned about it.

Before closing I should like to say, there is one thing that disturbs me about this whole debate. I think those of us who are lawyers in the Legislature probably are quite unanimous in relation to giving new court-houses high priority so far as the government is concerned, but as I look around the Legislative Assembly during these discussions, not only today but on other occasions, I really don't think many of our colleagues give this matter the same sort of urgency. I say that in the context that I think all of us who are lawyers—

[1:00]

Mr. Roy: Especially on your side.

Hon. Mr. McMurtry:—have got to do a more effective selling job with the public as a whole as to the very vital role that is played by the administration of justice, as reflected by good court resources.

Most people pay a lot of lip service to the importance of having a first rate administration of justice, but the truth of the matter is—and this is why the administration of justice sometimes has been treated like a poor cousin in virtually every jurisdiction in the western world—we pay lip service to it, but when it comes to setting priorities, most people in the public can think of higher priorities—hospitals, schools, highways, et cetera, day-care centres. Those of us who are lawyers

who don't recognize that are kind of kidding ourselves.

I think all of us in this Legislature, regardless of where we sit in the House, do have a real challenge, a sort of proselytizing challenge, in making the public generally aware of these urgent priorities in relation to the administration of justice so all of our colleagues will be a little more supportive, because I don't sense that support now on either side of the House.

On motion by Hon. Mr. McMurtry the committee of supply reported progress and asked for leave to sit again.

ROYAL ASSENT

Mr. Deputy Speaker: Before I entertain a motion for adjournment of the House, I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

Clerk of the House: The following are the titles of the bills to which Her Honour has assented:

Bill 25, An Act respecting Ryerson Polytechnical Institute;

Bill 40, An Act to amend The Municipal Act;

Bill 72, An Act to preserve Topsoil in Ontario;

Bill 73, An Act to amend The Ontario Guaranteed Annual Income Act, 1974;

Bill 77, An Act to amend The Judicature Act;

Bill 81, An Act to amend The Small Claims Court Act;

Bill 84, An Act to amend The Public Transportation and Highway Improvement Act;

Bill 85, An Act to amend The Highway Traffic Act;

Bill 99, An Act to regulate the Discounting of Income Tax Refunds;

Bill Pr1, An Act respecting the Township of Tay;

Bill Pr2, An Act respecting the Township of Dover;

Bill Pr8, An Act respecting the City of Burlington;

Bill Pr12, An Act respecting Certain Lands in the Township of Casgrain;

Bill Pr17, An Act respecting the City of Kitchener;

Bill Pr19, An Act respecting Circle R Boys Ranch;

Bill Pr21, An Act respecting Fuller-Austin of Canada Limited;

Bill Pr22, An Act respecting the Borough of Etobicoke;

Bill Pr23, An Act respecting Matol Holdings Limited;

Bill Pr24, An Act respecting Niagara Institute for International Studies;

Bill Pr25, An Act respecting the City of Sarnia;

Bill Pr8, An Act respecting the City of Hamilton;

Bill Pr30, An Act respecting the City of Chatham;

Bill Pr31, An Act respecting Garnet Holdings Limited;

Bill Pr32, An Act respecting Stanley Starr Limited;

Bill Pr33, An Act respecting Kedna Enterprises Limited;

Bill Pr34, An Act respecting the City of Sarnia;

Bill Pr35, An Act respecting Shore and Horwitz Construction Company Limited.

On motion by Hon. Mr. McMurtry, the House adjourned at 1:04 p.m.

APPENDIX

(See page 2280)

Response to a written question was tabled as follows:

45. Ms. Bryden—Inquiry of the ministry: Would each minister please indicate how many persons were employed in his/her office or were classified as part of the minister's staff on March 31, 1975, March 31, 1976 and March 31, 1977 in the following categories: (a) executive and/or administrative assistants; (b) public relations and information personnel; (c) secretaries and clerical staff; (d) others. [Tabled November 17th, 1977.]

Response by the Chairman of Management Board (Mr. Auld):

As the above question requires liaison with each ministry to obtain the information requested, I am providing an interim reply notifying you that an answer will be available within 28 calendar days.

The above question will be co-ordinated by Mr. N. E. Mealing, Director, Recruitment Branch, Civil Service Commission, who will be responsible for contacting all ministries.

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No. 62

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition

First Session, 31st Parliament

Monday, November 28, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



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LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 28, 1977

The House met at 2 p.m.

Prayers.

STATEMENT BY THE MINISTRY USE OF INFLUENCE

Hon. Mr. McMurtry: Mr. Speaker, I have a statement to make in regard to my ministry and the administration of justice in this province. As you will recall, I tabled last Thursday a five-page memorandum from a senior official of my ministry in relation to Mr. Arthur Armstrong. I took this action in response to questions from the Leader of the Opposition (Mr. S. Smith) and because I wanted members of the Legislature and the public to better appreciate the process by which certain decisions were made in this regard in the spring and early fall of 1975.

In response of this memorandum, the Leader of the Opposition has launched a most unfair and irresponsible attack on the administration of justice and the individuals involved in this matter. The Leader of the Opposition is reported in the *Toronto Star* of November 25, 1977 as stating that the Ministry of the Attorney General, and I quote, "obviously bent over backwards to find every conceivable reason not to lay a charge."

That statement in my view represents an assault on the integrity of three senior law officers of the Crown and on the Ontario Provincial Police. I, therefore, cannot let it go unanswered. It further reveals a lamentable lack of understanding of the basic principles of a proper administration of justice.

Mr. Nixon: Do you think we have to agree with you?

Hon. Mr. McMurtry: While it is perfectly legitimate for any member to question the competence of a minister or to debate the policies of the ministry for which he or she is responsible, it surely goes beyond the realm of political partisanship to question the integrity of public servants who are not in a position to respond.

Mr. Nixon: That's nonsense. He was questioning your decision and none other.

Mr. S. Smith: I was questioning your judgement and I am entitled to do that.

Hon. Mr. McMurtry: On page three of the memorandum which I tabled in this Legislature on Thursday last it clearly states that the investigating officer concluded he could not swear on oath that he had reasonable and probable grounds on which to lay a charge. In this province there is a long-established practice of leaving the question of whether a charge should or should not be laid to the discretion of the investigating officer who has interviewed the potential witnesses and assessed the available documentary evidence. In exercising that discretion, the police officer is entitled to advice from Crown counsel on the law and the application of the law to the facts disclosed by the investigation, and that includes advice on the questions of whether the evidence is sufficient to lay a charge.

However, what must be made clear, and what the Leader of the Opposition seems to completely misunderstand, is that the ultimate decision to lay a charge or not lay a charge rests with the officer who conducted the investigation. Neither his superior officer nor Crown counsel advising him nor their superiors can order that officer to lay a charge or to not lay a charge.

In the *Toronto Sun* of the same date, the Leader of the Opposition also said of Mr. Armstrong, and I quote: "... without calling him guilty, he should be charged . . . I would have gone ahead and at least provided Mr. Armstrong with his day in court." It would appear in the eyes of the Leader of the Opposition people should be brought before the criminal courts, even where there are no reasonable and probable grounds to believe that they have committed an offence, simply, and I quote, "to give him his day in court."

Mr. S. Smith: Read the Criminal Code.

Hon. Mr. McMurtry: This in my view indicates a very cavalier approach to the criminal process.

Mr. S. Smith: Utter nonsense.

Hon. Mr. McMurtry: Mr. Speaker, I want to assure you and responsible members opposite that the matter was investigated thoroughly by the police in the summer of 1975. The evidence was reviewed by senior officials of my ministry in September, 1975.

It was the determination of all those who examined this matter that a charge should not be laid.

In recent weeks, as I have already stated, the matter has been reviewed again. It is the unanimous opinion of those who have examined the files that it would not have been proper to lay charges in the circumstances.

As I indicated before, the Leader of the Opposition is welcome to debate the facts, but I say he has no right to impugn the integrity of senior Crown law officers and the Ontario Provincial Police without so much as a shred of evidence to support his insinuations. It is my view that he owes all of those people an apology.

ORAL QUESTIONS

ACTIVITIES OF RCMP

Mr. S. Smith: A question of the Attorney General: Was the Attorney General correctly quoted in the Saturday Globe as saying there is a legitimate public interest in allowing the RCMP access to OHIP data and that he is looking at the possibility of amending legislation which would permit this? Does the Attorney General not agree that section 44 of the Ontario Health Insurance Act has been violated and that he has some responsibility to enforce the Act rather than speculate publicly about how to legalize illegalities that have already gone on?

Hon. Mr. McMurtry: As I said on Friday, at the very most, any responsible law enforcement officer should not have anything more than the bare, so-called "tombstone" data, namely, names and addresses. I made it quite clear at all times that any information that should be made available to police forces should not go beyond those bare bones—names, addresses and names of employers. I made it quite clear that this should not involve any of the confidential medical information.

I would say Mr. Speaker, that some press reports have very badly distorted what was said at that time. I also said if that were to be the case, it should be done within the law, not outside the law and it should not breach any of the hospital insurance legislation.

If an argument could be put forward that the names and addresses of individual subscribers should be made available then I've indicated that the legislation should be clarified to make it clear that that would be available. I made it clear that the police in this province, in my view, must operate at all

times within the law, the Criminal Code of Canada and the provincial statutes.

With respect to whether or not there was a breach of the hospital insurance legislation, as I indicated on Friday my officials and I will be meeting early this week with senior officials of the Ministry of Health. I'm waiting for further clarification from the RCMP to determine whether there was a breach of that legislation.

Mr. S. Smith: By way of supplementary, why has it taken this long for the Attorney General to decide whether or not the provision of the so-called tombstone type data has been a violation of the Act or not? Why has he taken this long to try to find what would be pretty obvious information, and has he located the source of this data? Can he assure us that none of that has come from the Statistics Canada data provided by this province to Statistics Canada?

Hon. Mr. McMurtry: I don't think I have anything to add to what I've said. I'm sorry, I didn't hear the last part of the question with respect to Statistics Canada.

Mr. S. Smith: We provide data to Stats Canada; is the minister sure that wasn't the source of the leak?

Hon. Mr. McMurtry: I don't know. All I can do is reiterate that I don't know at this moment the source of the leaks. I haven't had a chance yet to meet with the Minister of Health (Mr. Timbrell) to know whether they have determined any source of leaks.

I indicated I had sought further clarification from the RCMP to determine what information was in fact made available and they've already indicated it did not go beyond this so-called biographical material. But notwithstanding that assurance, I indicated that I wanted further clarification. As I indicated on Friday, I would be meeting with the RCMP and the Minister of Health this week to determine just what went on, and how and when the evidence or this information may have been made available.

Mr. S. Smith: And I indicated that I sought earlier clarification from the RCMP.

Mr. Lewis: I'd like to pursue it if I may, Mr. Speaker. Since in his vigorous attack on the Leader of the Opposition the Attorney General says at the bottom of page three, "this in my view indicates a very cavalier approach to the criminal process." Does he not think that his own approach is, to say the least, a trifle cavalier when the Act requires a subpoena from a judge to get any information, biographical or otherwise, from such data from OHIP and obviously no such

subpoena was sought? And why then is the minister prepared, even publicly, to contemplate legalizing that kind of behaviour on the part of the RCMP and the OHIP officials who tendered the information?

Hon. Mr. McMurtry: I will repeat what I said several times in this past week, both in and outside the House, as far as I was concerned law enforcement officers in this province must operate within the law.

Mr. Deans: But they are not.

Hon. Mr. McMurtry: If a legitimate case could be made for securing even the barest information such as names and addresses and employers, then that must be done within the law. I've repeated that and repeated it, and I repeat it once again.

Mr. Lewis: Supplementary, if I may, does the Attorney General agree that since providing even the bare-bones biographical information, which is the way the RCMP describes it—and the minister knows how much we can trust them—is a breach because no subpoena was requested—is he not prepared to prosecute on that basis?

Hon. Mr. McMurtry: I am preparing. As I indicated I do not have all the information. I've indicated quite clearly that any breach should not be tolerated even if it is restricted to this bare-bones material. I don't know how many times I have to indicate that in my view law officers must operate within the law of this province.

[2:15]

Mr. Lewis: Then the minister will lay charges.

Mr. Deans: Has the Attorney General been able to ascertain yet who in OHIP is authorized to give out the information even if a subpoena is produced?

Hon. Mr. McMurtry: I have not ascertained that yet. I assumed it was being ascertained by the Minister of Health, but as I indicated already—

Mr. Deans: I asked him two weeks ago for that.

Hon. Mr. McMurtry: —I have not yet met with the Minister of Health this week.

Mrs. Campbell: This week? This is Monday.

USE OF INFLUENCE

Mr. S. Smith: Mr. Speaker, I would like to rise at this point on a point of privilege. In view of the statement which the Attorney General started off today's proceedings with, I would like to respond, if I might, by pointing out that he bases his comment on the

fact that the investigating officer, and I quote from his statement, "concluded that he could not swear an oath that he had reasonable and probable grounds to believe that interpretation (i) in paragraph 6 was the true interpretation."

I note here that there were two possible interpretations in paragraph 6, and since the officer couldn't choose between them he felt he could not lay a charge.

I'll read the first one. It says, "In one sense, it"—the account for \$25,000—"is consistent, at least in part, with a demand for payment for obtaining the earlier hearing date." The second possibility says, "In another sense, especially in light of other evidence with respect to what Mr. Armstrong did for the proposed partnership in late April and early May, it is more consistent with a demand for payment for the work done at that time."

These are the two possible interpretations. The Attorney General claims that the investigating officer could not make a choice between those two. I would like to read into the record a letter from Mr. Arthur Armstrong to Mr. Jan Davies, which is the letter in question concerning the \$25,000.

"Dear Jan,

"You may be assured that I have had some very deep heart searching to do and indeed some real agonizing with respect to the enclosed statement of account. During our various discussions, we touched upon the participation and/or consultant aspects of a possible relationship between us and never did come to a satisfactory conclusion. You will note that I am highly critical of the amounts charged by consultants in our industry but feel that the assistance I was able to give you was way beyond the realm of 'consulting.'

"I think you will agree that if the amount shown on the attached statement is related to the potential profitability of your endeavour and to the savings made because you are able to proceed so much earlier than you had originally anticipated, it is a small amount indeed.

"Of course, I am thoroughly delighted that you have the opportunity to go ahead on a project which has been a very painful one to you. However, at the same time, I feel that honest effort and production is worthy of its just reward. Knowing only too well the problems of cash flow that are the nature of our business, particularly in the early stages of a project, I will not of course expect payment until mortgage draws are forthcoming.

"Kindest regards to Lil and the kids,

"Your very truly,
"Arthur."

How is it possible, I ask, to entertain the second interpretation in the light of this letter? Since I don't believe that it is reasonable to entertain that, I am here questioning, as I have the right to do, the judgement and decision of the Attorney General of the province in this particular matter and I feel I owe no one an apology. Thank you.

RECOVERY OF HYDRO MONEY

Mr. S. Smith: A question to the Minister of Government Services: Can the minister advise the House as to whether there are any agreements between Ontario Hydro and the Ministry of Government Services whereby Ontario Hydro would in some way provide funds to the government, to the Ministry of Government Services, for the purchase of lands within the parkway belt, not only lands needed for Hydro but other lands? What authority would Ontario Hydro have to make such advances of funds to the Ministry of Government Services?

Hon. Mr. McCague: Mr. Speaker, I'm not sure whether there's any written agreement about this, but there is an understanding that where Hydro requires land for its right of way and where it's demonstrated by the owner that the whole property should be purchased rather than just the right of way, Hydro does in fact purchase the whole property and, upon completion of the hearing officer's report and the decision by the Treasurer, the province will then refund the money to Ontario Hydro for the portions it does not need for the rights of way.

Mr. S. Smith: By way of a supplementary, is the minister then saying that Ontario Hydro is seeking to have a portion of those funds now returned to Hydro from the Ministry of Government Services? Can the minister explain why, if this is the normal procedure, Hydro seems to be seeking to have considerable interest payments as well on the money which it has advanced the Ministry of Government Services?

Hon. Mr. McCague: I think the agreement was that after the report the moneys would be refunded. It wouldn't be unreasonable to expect that the government would pay some interest as it would expect to recover some interest, if it was selling these properties to other ministries at a later date.

Mr. MacDonald: Supplementary: Is it the ministry's practice, when it buys a whole farm and then hands over to Hydro that portion needed for the right of way to re-

tain the remainder of the land and dispose of it in whatever is found to be the most effective way?

Hon. Mr. McCague: I think that question was put backwards. Ontario Hydro is buying the whole farm and we are taking back from Hydro what it doesn't require.

Mr. MacDonald: Is the minister saying Ontario Hydro buys the whole thing, retains what it needs for the right of way and then hands the land back to the government which disposes of it?

Hon. Mr. McCague: No, we don't. We would retain the parkway belt unless it would be required for MTC or some other ministry.

Mr. S. Smith: By way of a final supplementary, may I ask the minister whether he will table the agreements that his ministry has had with Hydro with regard to parkway belt purchases, and would he give us a list of exactly what was purchased and what use the land is being put to?

Hon. Mr. McCague: Maybe it might clarify as to what use; as I understand it, we're buying the property for Ontario Hydro. If it's necessary to buy the full property, as I said, we will do that. Otherwise, it will be kept by the government as part of the parkway belt.

Mr. S. Smith: Will the minister undertake to table the agreement and a list of what property was purchased and what portion of it was used by Hydro?

Hon. Mr. McCague: Yes, if there is an agreement.

Mr. Lewis: By way of a supplementary, if there isn't an agreement to the minister, surely there will be some piece of correspondence or memorandum fixing this transaction or exchange, since it is public money. Can he table that document?

Mr. Conway: Ask the Treasurer.

Hon. Mr. McCague: If it's an agreement, I will give it to the Leader of the Opposition. If it's an exchange of correspondence, I will give it to the leader of the third party.

Mr. Lewis: Thank you very much.

Mr. S. Smith: Will the minister share either with both of us, please?

Mr. Lewis: The hon. member can have mine.

Mr. MacDonald: Table it, and we'll all have access to it.

AVIATION SAFETY

Mr. Lewis: May I ask the Minister of Transportation and Communications a ques-

tion? Is he at all familiar with the study of air traffic, particularly in northwestern Ontario, that has been carried out, apparently, for the federal government, with the designation of a remarkable range of serious hazards for the air traveller in northwestern Ontario? Is it his intention to act upon the information that is now emerging?

Hon. Mr. Snow: I'm sure the hon. member realizes I have no authority to act officially in any way relating to air regulations. This is one area that is the total responsibility of the Minister of Transport of Canada. I did request in a letter to Mr. Lang on two occasions that the minister carry out a review of aviation safety matters in the north, and really in general, but especially in northwestern Ontario.

I believe my colleague, the Minister of Northern Affairs (Mr. Bernier) also asked that an inquiry be carried out the first time. Then at a following date, I wrote another letter to Mr. Lang and at that time got a reply from him stating that he would be having a review of aviation safety matters in northwestern Ontario which, I trust, was this report that I have not seen. Whether I will have an opportunity to see it or not, I probably would not have expected to see it unless Mr. Lang decides to send me one. I have not seen the report, only what I have read in the *Globe and Mail* this morning.

Mr. Lewis: By way of supplementary: Since the provincial Minister for Northern Affairs seriously contemplated at one point holding our own inquiry into problems of air travel in the north because of what was emerging, can the minister on behalf of this Legislature undertake to request the report when it is available, obviously imminently, and will he be prepared to name names? Will the minister be prepared to tell the Legislature, and therefore the public, the offending airline companies and charters and the risks and hazards that they apparently demonstrate?

Hon. Mr. Snow: Mr. Speaker, I will be most interested in reviewing that report if I am able to obtain one.

Mr. Reid: Try the *Globe and Mail*.

Hon. Mr. Snow: If the report is made public, of course I presume the information within that report will be there.

Mr. Lewis: It won't be made public, but the minister can get it.

Hon. Mr. Snow: Now, as I say, I haven't had an opportunity this morning, since hearing of this report, to review the matter at all with my officials or to review what our legal position in Ontario is regarding a matter that is totally federal jurisdiction.

Mr. Reid: Supplementary: Would the minister not agree that since he requested the inspection in the first place, he should be privy to the results of that inspection? Would he also not agree that it's in the public interest that the people who have offended against air traffic safety should be named—as well as those who haven't, who are being tarred with the same brush as those few who have been violating the regulations?

Hon. Mr. Snow: Yes, I would agree with that position, Mr. Speaker. As I say, I have not received a copy of the report. I will ask for one. Whether I will get it or not will remain to be seen.

Mr. Lewis: You will get it.

Hon. Mr. Snow: But I do agree that the excellent safety-minded operators are put in the same mix with the few—or maybe more than a few, I don't know—who may not be operating under the present air regulations. If unsafe practices are being carried out, then I think those should be made public.

Mr. Foulds: Supplementary, Mr. Speaker: I would like to ask the minister why he seems to indicate that the chances of his getting the report are so slim, when in northwestern Ontario in particular he has made a particular point of stressing that his request would be for a ministerial investigation? If there seems to be any obstruction on the federal part, does he not think it now time for his ministry and him and his cabinet to put every pressure possible on the federal government to call for a full public inquiry into air safety in northwestern Ontario, in that so much of the traffic in the northern part of the province requires air carriers where norOntair service does not run and where there are no highways?

Hon. Mr. Snow: Mr. Speaker, I am the first to agree that I, along with others, requested Mr. Lang to initiate a review of air safety matters following certain accusations—certain information that's come out at one or more inquests, and after several serious and fatal accidents in northern Ontario. Unfortunately, we have had aviation accidents in southern Ontario and other parts of Canada as well.

[2:30]

I believe Mr. Lang was quoted in the press as saying there was no evidence to indicate a higher degree of accidents in northwestern Ontario than anywhere else. Today we read an article which quotes figures that would seem to contradict that statement made by Mr. Lang. I certainly feel it is necessary, one

way or another, to get to the root of this problem.

Mr. Foulds: Supplementary: Does the ministry still have agreements with private air carriers in northern Ontario to operate at least part of the norOntair service, and does the minister not think it is essential for his ministry to get the names of those carriers named in the report to ensure that the carriers it has contracted with are not among those included in those having unsafe flying practices in northwestern Ontario?

Hon. Mr. Snow: The contracts with the private carriers are between the Ontario Northland Transportation Commission and those carriers. That commission now reports to my colleague, the Minister of Northern Affairs. To my knowledge, prior to that responsibility being transferred there were contracts with four private carriers. Certainly nothing that has come to my knowledge indicates those carriers are involved, but I certainly will try to ascertain that information.

MINERAL EXPLORATION

Mr. Lewis: I have a question of the Minister of Natural Resources, since he has been waiting for one and wants it badly. Would the minister like to clarify for the Legislature, since the reports were a little confusing, what exactly the licence is that has been given to Prospection Limited or something like that for, I gather, the exploration of the mineral resources, perhaps uranium, in a very large acreage of northern Ontario? In the answer, could the minister indicate, given the public concern obviously about northern Ontario development, why this was never made public as a kind of natural announcement just to let us know what was happening?

Hon. F. S. Miller: I am not sure the latter is true, to begin with.

Mr. Lewis: Oh? Maybe I don't remember it.

Hon. F. S. Miller: All Crown lands in the province may be prospected without permission by any licensed prospector, unless the ministry has removed those lands from prospecting by a deputy minister's order.

About a year ago, Prospection Limited, which is a Canadian-owned company according to my information—or at least has had three Canadian directors since 1961—evidenced an interest in a relatively large area up there. Because of the need to do a fair amount of heavy investment in the overall area, they asked if they could use a clause of the Mining Act which allowed them to have

exclusive rights to prospect for a period of time.

After many months of negotiations, that licence was granted for a charge. As the member knows, there is no charge for non-exclusive prospecting. In the meantime, a number of talks were carried out. We did the unprecedented thing of sending our staff north to talk to the Winisk and Attawapiskat bands prior to any agreement with the company.

Mr. Lewis: Why should that be unprecedented?

Hon. F. S. Miller: It has never been done before in the sense that the action of the government has been to grant such licences, if—

Mr. Lewis: Just do it and the hell with it.

Hon. F. S. Miller: —as by the way government should do, the government decides pro or con to issue a licence. In this case, we did send staff along with members of the company to both Winisk and Attawapiskat to obtain their opinions. One band did not favour it after a long discussion; the other band did not object. We then went through a long discussion with the company as to the terms of the prospecting licence. We ensured that pages of information—they're available, the member may have them—of requirements to protect the environment during the prospecting phase be followed and that the conditions for any potential future mining lease be spelled out. We advised Justice Patrick Hartt of these and sent him a copy of them.

I believe that we touched all bases in so far as we could. I'm happy to say one thing: I have a memo from the company which, if it's true, indicates something I'm pleased to see. It relates, "The headquarters for the operation has been in two locations—Attawapiskat and on Sutton Lake. We have been able to hire a number of local Indian people. We have had excellent co-operation between the company and the community during this summer's prospecting, which has mainly been by helicopter, taking sedimentary tests around the area and, I believe, doing the testing in Attawapiskat in a laboratory set up there, rented from the band."

So I think we've tried very hard to meet the requirements of discussion. Certainly we received some objections—I'm sure you know about these—from Chief Andrew Rickard.

Mr. Lewis: Supplementary: Since this obviously has some very important significance about it, beyond the cultural and ecological matters—the minister said it was several

months in the making and involved a lot of discussion—is it possible for him to table the agreements which he reached with the company and to let us take a look at the data? When exclusive licences of this size are granted, would it be possible to make some kind of public declaration of the government's intent so that it doesn't emerge by happenstance later on?

Hon. F. S. Miller: I can say yes to both. First of all, quite honestly, I'm pleased to table the agreement with the company. Secondly, it's interesting that in early April, well before it was to be signed, we contemplated a press release. I was the new minister of the day. I must admit I don't believe I was involved in it. Generally, my style is to go public on these kinds of things. I have no problem in saying that where major exploration licences are being contracted, I'm glad to have them public.

I think it should be pointed out that although the company has the right to look at a good deal of land—1.235 million acres of the James Bay lowlands—it can only operate on 10,000 of those acres, even if it found material over them, under the terms of the agreement. In other words, each year it must give up one third of the land based upon their exercise and concentrate on the remaining two thirds and then, finally, on the remaining third.

They must also spend a half a million dollars per year on the exploration during that period of time for their licence to be valid.

Mr. Reid: Supplementary: Could the minister indicate who the people are behind Prospection Limited; who the major stockholders are and where they are located? Also, is it common practice, when someone approaches the minister in regard to a situation like this, for his ministry to do a survey or investigate the background of the company or companies, especially in a situation of this size?

Hon. F. S. Miller: Mr. Speaker, on the one article I read over the weekend—I'd be hard pressed to say it was inaccurate. But I thought it was misleading, to say the least.

Mr. Lewis: That may be inaccurate.

Mr. Reid: This is your chance.

Hon. F. S. Miller: It sounded as if everything was under the table, hidden et cetera, and that some major foreign company had made a deal with my ministry. First of all—

Mr. Foulds: It's happened before.

Hon. F. S. Miller: —according to the information I have, Prospection Limited is

registered in Ontario, has three directors, all of one family, who have owned it, according to my records, since 1961.

Don't forget that prospecting per se, as the members well know, is a business all by itself. Prospectors very often are working in the hope of finding something saleable.

Mr. Reid: In the hope?

Hon. F. S. Miller: In the hope—not of developing a mine, but of finding something that they can sell to an organization that can develop a mine. Those companies are really one of Ontario's basic industries. We export prospecting capabilities around the world.

This company has done that. It has operated in many spheres. But it is an Ontario-based and, as far as I know, an Ontario-owned company. Whom they are intending to sell any rights they may find, or whom they may have had some advance dollars from we would have to find out from the company itself. But currently, like most prospectors, it is an Ontario company.

Mr. Foulds: Supplementary, Mr. Speaker: I wonder if the minister would mind clarifying the formula he outlined a moment ago when he said the company was granted rights to 1.235 million acres, had to give up a third each year, but could retain 10,000 acres. Could he clarify that?

Secondly, does not the granting of such an exclusive prospecting right under the Mining Act amount to giving the company staking and filing rights? Can the minister indicate to us if any actual claim staking and filing of those claims has taken place?

Hon. F. S. Miller: As I understand it, and I would have to double check the rules of staking in the province, they wouldn't stake during that period of time because in effect no one else can lay claim to the land while they pay for that exclusive privilege.

We have a couple of advantages in this kind of agreement. First, we are paid for the privilege of prospecting; otherwise we are not. Secondly, we were able to set a whole series of environmental rules on the actual exploration; again something we normally can't do. So we had certain advantages in having an agreement with the company. Thirdly, we defined the maximum area out of that 1.235 million as 10,000 acres that would be eligible for development purposes.

When I table this particular information the member can look at it. It says the lessee shall return one-third of the area at the end of the first year. In other words, area they have assumed not to have found anything worthwhile in. So they do a broad sweep

and then start concentrating on those sections which appear to be most likely. The only thing I can say at this point in time is that they are cautiously optimistic at the end of the first summer's operations.

Rather than give the member the details of the one-third/one-third/one-third, let me pass him the copy when it is filed.

[Later]

Hon. F. S. Miller: May I correct an error of fact before I table my report? I said one-third was surrendered each year. It's 50 per cent at the end of the first year and 50 per cent of the balance at the end of the second year, that has to be surrendered.

DISABILITY ALLOWANCES

Mrs. Campbell: Mr. Speaker, a question of the Minister of Community and Social Services. In view of the minister's comments on the television program Ombudsman, will he tell the House exactly what he plans to do about the disability allowance for the mentally retarded as bureaucratic delays now ensure that they must wait up to one year after their 18th birthday when they become eligible before actually receiving the allowance?

Hon. Mr. Norton: Mr. Speaker, I am not sure that I followed entirely the question of the hon. member. If she is suggesting that the current regulations require a waiting period of that length of time, that is not correct.

Mrs. Campbell: No. The bureaucratic delays.

Hon. Mr. Norton: There may be very exceptional cases where there are delays extending up to several months. But I personally am not aware at this point of any that have extended for a period of a full year.

As I indicated in the remarks to which the hon. member referred, I am proposing the regulation be amended so as to change the date of eligibility. At the present time the regulation provides that the recipient may be paid from the date on which the ministry staff have all of the information which would enable them to make a decision as to eligibility.

It has come to my attention that in many instances the delay is not the result of any default on the part of the applicant or the family of the applicant, and often not on the part of the ministry either, but there are other players and in some cases there have been several months' delay in the receipt of the necessary medical or psychometric assessments. What I am proposing to do is to

have that regulation changed so as to provide for the payment from the date of the application, as opposed to the date on which we have the information to make the decision—in other words, to provide for a period of retroactivity to that date.

[2:45]

Mrs. Campbell: Supplementary, Mr. Speaker: Would the minister at the same time give consideration to permitting these applications to be entertained prior to the applicant's 18th birthday, since one of the major problems has been that they have not been accepted prior to the 18th birthday, and then delays occur after the applicant has become eligible.

Hon. Mr. Norton: If the hon. member knows of any specific cases where the applications have been rejected prior to the 18th birthday, I would like her to bring that information to my attention because, quite to the contrary, I know of a number of applications that have in fact been received within a matter of perhaps a month or two prior to the 18th birthday and the procedure has been begun before the 18th birthday. If there have been failures there, I would like to know about them.

Mr. Lewis: Supplementary, Mr. Speaker. I see enough of the minister in here so I don't watch him on television, but I hear about him. Therefore as a direct supplementary I would like to ask: Why does the minister permit the continuing distinction between the physically disabled allowance and the permanently unemployable allowance—that is GAINS and the permanently unemployable—particularly in an area like this where it is so invidious, discriminating and offensive? The minister must understand that and appreciate it.

Hon. Mr. Norton: Mr. Speaker, I understand that it is very difficult to explain to a recipient the distinction.

Mr. Deans: Because there is no distinction.

Mrs. Campbell: What's the distinction?

Mr. Breithaupt: Try it with us.

Hon. Mr. Norton: As I have indicated to the hon. members opposite at every opportunity in the estimates and elsewhere, that is a change that I would like to see made. But I hope the hon. members also will bear in mind that that is a complicated matter to change, in so far as the payments to the recipients under those programs are subject to the federal-provincial agreements under CAP.

Mr. Martel: We have been sharing that for years.

Mr. Lewis: Why don't you start with the retarded?

Hon. Mr. Norton: The reason for the distinction at the present time—a distinction that doesn't exist in all jurisdictions, I admit, but in most of those jurisdictions lower amounts are paid on universal basis—was that a few years ago in this province we tried to seek increased assistance for those who were more severely disabled. Therefore, in fact for some period of time a portion of that was paid 100 per cent out of provincial funds because the federal government refused to cost-share it. We finally have reached the point where the federal government is prepared to cost-share up to that amount. They will not unless we can establish that there is a higher degree of disability, and for that reason, we must rely upon medical evidence—

Mr. Lewis: You should not be a party to that.

Hon. Mr. Norton: —and there are great discrepancies, perhaps, in the medical evidence. I would dearly love to be able to wipe out that distinction tomorrow. If the member can explain to me how we can and still receive assistance from the federal government, I would be delighted to.

Mr. Lewis: Go it alone. Go it alone.

Mr. Speaker: Order, please. I would just like to remind hon. members that we have now 19 minutes remaining in question period. That was the first original question, other than the two leadoff questions from the two leaders. If this is the way members want to handle question period, that's fine, but I thought I had a responsibility to draw your attention we have had one question from a member other than a leader and we have consumed 41 minutes of the question period.

Mr. Lewis: Did you include the point of personal privilege?

ATLAS STEEL

Mr. Mackenzie: In the absence of the Premier (Mr. Davis) I would like to ask the Minister of Industry and Tourism if he is aware of the widespread concern by employees of Atlas Steel in Welland over the possibilities of yet another federal government loan—this time to Cuba—to develop another stainless steel mill that could produce 50,000 tons of nickel-bearing stainless steel in a country that consumes only 4,000 tons, and of the concern expressed also by Atlas Steel's management over the expenditures of Canadian taxpayers' dollars in a project that can endanger more jobs in this country?

Can the minister inform this House as to whether or not his government has made representations to the federal government over this particular matter and state the nature of the representations?

Hon. Mr. Bennett: I'm not aware of the application of Canadian funds towards the development of a stainless steel plant in another country. May I inform the House and the member, frankly, that would likely be a deal that would be undertaken by a private concern in Canada with the technology and the engineering capabilities to develop a plant in another country. The loan is likely being arranged through one of the development corporations of the federal government.

There would not be, at this point in time, a discussion taking place with the government of this province. I shall take note of the member's remarks and have reviewed by the people of my ministry exactly who is doing it and what information is presently available to us.

Mr. Mackenzie: Supplementary: Could the minister at the same time inform the House as to who was involved in the Canadian consortium that carried out the technical and economic viability studies that recommended this project? Wouldn't the minister agree now would be the time for the government of the province of Ontario to intervene before we have another potential Inco situation on our hands?

Hon. Mr. Bennett: I shall take the remarks of the hon. member under advisement and try to get the information for him. Whether it's public information as to who is putting the consortium together is something I'll have to seek from the federal government.

PIPE PRODUCTION

Mr. Kerrio: Mr. Speaker, I'd like to direct a question to the Minister of Industry and Tourism. Is he aware of the fact that he has left some question in the minds of many people across Ontario as to the capability of fabricating pipe at Stelco's Welland Tube Works to build that pipeline on the Alaska Highway? Is he aware of comments made by Mr. Paul Hookings, manager of the Welland mill, as follows: "The heavy-walled pipe required for the high-pressure Alaska Highway natural gas transmission line has been produced and tested at the Welland Tubes Stelform mill of The Steel Company of Canada, Limited on Friday"? Is he aware that, "we know we can make it, we may not find anybody who wants to buy it," is the concern of one of the top officials at that plant?

Hon. Mr. Bennett: I do not believe I've left any misunderstanding in the minds of the people of the province of Ontario in what I've said about the technology being available in Canada, but maybe not in place at the moment. Last week I had the chance to speak with the president of Stelco in relationship to the potential of purchasing Canadian-made pipe for the pipeline being developed by the Foothills pipe line or transmission line people.

While it might be well to get into a full answer at this point, it's my intention later on this week, after having further discussions with a number of people in the steel works, with Mr. Horner and people at the federal level, to have a statement that will try to outline as specifically as possible details in relationship to the capabilities in Canada in the manufacturing of low- and high-pressure pipes, in the manufacturing in Canada of 48-inch versus 54-inch pipe and a great deal of further information we hope will be made available to us this week.

May I suggest to this House very strongly that we're not looking at a possibility of pipe purchasing in the next 12 months. The purchasing of pipe will likely come somewhere down the road after that period of time.

Mr. Foulds: Down the pipe.

Hon. Mr. Bennett: Yes, that's a good expression, down the pipe.

Mr. Nixon: The minister is going down the pipe.

Hon. Mr. Bennett: Mr. Speaker, I would like to say to the House we will try to come back with as complete a statement as possible. If I can interject only one remark made to me by people in the steel industry, at this moment there appears to be a great deal of talk taking place both in the provincial Houses of Canada and in the federal House relating to the pipe and the manufacturing of pipe. A great deal of it is in areas we are not likely—and I fully admit this and I think I said it last week—to be capable of discussing in their completeness because of technology that still has to be developed and because of certain things that must be designed in the specifications and detailed reporting as to what kind of pipe is going to be used on the transmission line.

That determination has not been made at this point, and there are a great number of reasons why it has not been made. Some of them are political and others arise from the very fact of the lack of capability to produce them, not in Canada but in the United States. I will not try to go any further on this question, I will bring into the House

later this week, I hope, a full statement on it.

Mr. Kerrio: Supplementary, Mr. Speaker.

Mr. Speaker: The minister has already indicated he will be bringing in a full report. It isn't as though this is the first time we've discussed it. We've done it at least four times in the last week.

Mr. Kerrio: My supplementary has to do with what he's going to bring to this House.

Mr. Swart: New question, Mr. Speaker.

Mr. Kerrio: May I pose the question?

Mr. Speaker: Final supplementary.

Mr. Kerrio: Thank you, Mr. Speaker. Would the minister please clarify what the pipe company has said, that they are not lacking in technology to manufacture the pipe; the lack of technology is in the transmission of the gas within the pipe? That point should be made clear to this Legislature.

Hon. Mr. Bennett: Mr. Speaker, I will include that in my statement. I think I said earlier that I will try to cover the entire situation as completely in the technical and manufacturing end of it as possible. I don't think I have left any misunderstanding in the minds of the people of this province.

Mr. S. Smith: You were wrong the other day. That's all.

Mr. Conway: It's on the record.

TEA AND COFFEE PRICING

Mr. Swart: To the Minister of Consumer and Commercial Relations.

Mr. Martel: The coffee man.

Mr. Swart: As it's now five weeks since I demonstrated to the minister that Ontario-produced coffee was selling at a substantially lower price in the US than it is in Canada—

Mr. Riddell: I thought he said a new question.

Mr. Ruston: Go down to Windsor. It's cheaper than in Detroit.

Mr. Swart:—and having read rather carefully the minister's subsequent statement on October 31 on coffee pricing, knowing it doesn't explain that issue or anything about coffee pricing, will he now tell the House why coffee produced in Ontario sells for 25 per cent less in the United States or didn't he even bother checking it out?

Hon. Mr. Auld: Produced in Ontario?

Hon. Mr. Crossman: Just to clarify some inaccuracies in the hon. member's statement, firstly I would question whether it's

five weeks since he established some of those facts to my satisfaction.

Mr. Swart: It's five weeks since I sent you those two boxes.

Mr. Warner: Moving right along.

Hon. Mr. Grossman: Secondly, what the hon. member means to say is why is it cheaper in Buffalo, not why is it cheaper in the United States. The member will agree with me on that.

Mr. Swart: No, in the United States. Canadian coffee in the States.

Hon. Mr. Grossman: In point of fact, if the member has been paying attention and reading some of the material that's available other than what he gets at the discount joint in Buffalo—

Mr. Foulds: Discount what?

Hon. Mr. Grossman: —he will find out that in some other cities—

Mr. Swart: It's Canadian coffee in the United States.

Hon. Mr. Grossman: —he will find out that the prices in the United States vary substantially.

Hon. Mr. Rhodes: Where do we grow coffee?

Hon. Mr. Grossman: The one thing that even the hon. member's analysis has shown—

Mr. Foulds: What do you mean, "even"?

Hon. Mr. Grossman: —is that the lowest prices in the United States, for coffee and a lot of supermarket items, are probably those in Buffalo. And just so the member's question will be accurate let's talk about Canada and Toronto versus Buffalo. Let's be accurate.

Mr. Martel: Now the answer.

Hon. Mr. Grossman: Secondly, if the member will recall, and I know he really wanted me to come down with a definitive statement so he could be satisfied that I had conducted an investigation and rubber-stamped the prices as either acceptable or not acceptable—

Mr. Swart: That's what you've done.

Hon. Mr. Grossman: —if he looked back he would see that we were very careful to point out that—

Mr. Swart: Sure, not to offend the companies.

Hon. Mr. Grossman: —I saw my role not as one to do something I didn't have power to do, that is, roll back prices, nor to send a select committee of the Legislature, the Swart committee—

Mr. Warner: Nor to protect consumers.

Mr. Mackenzie: Nor to do anything.

Mr. Warner: The minister of corporate protection.

Hon. Mr. Grossman: —to Brazil to find out whether there was a ripoff in Brazil, but rather, I specifically—

Mr. Warner: A great job.

Hon. Mr. Grossman: Relax boys. Rather, specifically I said our—

Mr. Martel: You are a continuation of Sidney Handleman.

Mr. Ruston: Drink milk. We've got a surplus of milk.

Mr. Makarchuk: He talks big and carries a wet noodle.

Mr. Speaker: Could we have some order?

Mr. Warner: We want to hear him resign.

Hon. Mr. Grossman: I said that what I would do is assemble some information for consumers upon which they could make some buying decisions as they saw fit. I did not undertake to stamp those prices as acceptable or unacceptable. If the hon. members think the role for the ministry is to investigate prices and report back that this is satisfactory to us and this isn't—

Mr. Warner: How about protecting consumers?

Hon. Mr. Grossman: —that's a position they can take. I never took that position. What I said was, "I will see if there is—

Mr. Samis: Good luck to the activists.

Hon. Mr. Grossman: —some information that consumers don't have that we can get." Specifically, I want also to remind the hon. member that I said I was asking the retailers and wholesalers to do one of two things; either explain the differential as best they could or change the prices accordingly if they couldn't explain it. They gave us an explanation which may satisfy the hon. member—

Mr. Swart: No, it doesn't.

Hon. Mr. Grossman: —it may satisfy me, it may satisfy the Minister of Correctional Services (Mr. Drea).

Mr. Warner: It doesn't.

[3:00]

Hon. Mr. Grossman: Or it may not. It's up to the consumer, on the basis of the information that we were able to glean for the consumer, to adjust his or her buying habits accordingly. I might add, partly as a result of the entire exercise, consumers did adjust their buying habits and, accordingly, the prices showed some downward turn and they are staying that way.

Mr. Swart: May I ask, would the minister not consider that it is his responsibility to give protection to the consumers? In view of the

fact that he did not investigate the relative price of Canadian coffee being sold outside of the country and what it had been sold at here, could I now make him aware that Sandra Coffee Company in Ajax produces Valuplus coffee for Mother Parker's in Toronto, which in turn sells it wholesale in the United States through Peter Schmitt Ltd., a branch of Weston's, Bell's and Twin-Fair supermarkets, which retail it at \$2.49 compared to the same coffee sold here in Lob-laws, also a subsidiary of Weston's, for \$3.49?

Mr. Warner: That's consumer protection.

Mr. Swart: Doesn't the minister think he should have another look at this matter if he has any conscience at all for the Ontario consumer?

Hon. Mr. Grossman: Mr. Speaker, I'll tell the hon. member what I deem as having a conscience in terms of the Canadian and Ontario consumer, and that is not to stand up every time there is a price differential, as indeed there is on all goods throughout the economy, and suggest that all the government has to do is roll down the price or go to Buffalo and conduct an investigation—

Mr. Makarchuk: We don't expect you to stand up every time. We expect you to stand up at least once.

Hon. Mr. Grossman: —so that the Ontario consumer can be assured that, in every instance, he's not paying more than they're paying in the United States. The member knows as well as I that there are an infinite number of products, most products, whether they be in the food industry or other industries, that cost more in Canada—

Mr. MacDonald: We're talking about coffee.

Mr. Swart: Canadian coffee, yes.

Hon. Mr. Grossman: —and there's a lot of reasons why they do.

Mr. MacDonald: Why? Name one.

Hon. Mr. Grossman: Where the member has a specific item and he doesn't want to take some steps to say to the suppliers of those items, "Can you tell me, the member for Welland-Thorold, what your side of the story is so that I can tell consumers?" he doesn't want to do that because he doesn't want to talk to the guy, I would be pleased to help Ontario consumers, but by doing what the member doesn't want to do, and that is write the suppliers and say: "Look, here's a gap, what do you say about it?"

Again, I'm not going to roll back prices. That is not my job.

Mr. Swart: You are the minister.

Mr. Warner: What is your job?

Hon. Mr. Grossman: If the member thinks it should be, argue that case. I will get the information from the suppliers. I will not pass judgement on it. It's up to the suppliers to do what they can.

Mr. Foulds: You won't pass judgement on anything.

Hon. Mr. Grossman: Listen, that's the easy role the member has. He can play hero to every consumer—

Mr. Speaker: The hon. minister has already answered the question.

Hon. Mr. Grossman: We'll be responsible.

REFORESTATION

Mr. Conway: Mr. Speaker, my question is to the Minister of Natural Resources. I wonder whether he can share with us this afternoon whether or not his ministry is undergoing a reorganization to give the forest regeneration policy the priority it deserves? Are there reorganization plans under way? If so, what are they?

Mr. S. Smith: Two trees for one.

Hon. F. S. Miller: Mr. Speaker, in fact there is a reorganization under way, yes.

Mr. Reid: When was the last one?

Hon. F. S. Miller: Five or six years ago. This is a step taken to do two things. First, the field organization does not change in any meaningful way. There will be slightly different duties assigned to our deputy regional directors, but apart from that the field organization remains in place.

We have had of late a number of retirements from the ministry and, following general provincial guidelines, we have limited or cut our numbers of directors by 10 per cent. Therefore, we have reorganized to accomplish that reduction of 10 per cent in key overhead staff.

Mr. Reid: There are too many overhead staff.

Mr. Conway: What then can the minister tell us in policy terms that he intends to do specifically to implement the renowned commitment from the charter that, in fact, two trees will be planted for every one cut? What's under way at this point?

Hon. F. S. Miller: Effective about May 15 we transferred a senior person to that duty and to that duty exclusively for the balance of his working time within the Ministry of Natural Resources, which is estimated to be 18 months.

Mr. Nixon: He is out there with a shovel, is he?

Hon. F. S. Miller: That person has no other duties but to implement the decisions of the Armson report as amended by the ministry. Just last week, I spent two days with the British Columbia forest service studying their methods of tenure. I learned a great deal from them, in the past as have my staff. I can assure the member that is my number one priority and it is making good progress.

PRICES AT HIGHWAY SERVICE CENTRES

Mr. Samis: Mr. Speaker, my question is for the Minister of Transportation and Communications. It's the updating of an old question brought up by our former colleague, the member for Kent-Elgin (Mr. Spence). Can the minister tell us what price monitoring his department is doing on gas prices on Highway 401, and can he tell us if he's satisfied that the prices are reasonable and do they accurately reflect the cost involved?

Hon. Mr. Snow: Mr. Speaker, I haven't had any report on monitoring of the prices recently. I did announce in this House last spring a new policy and an adjustment in the leases of the operators, and the prices did decrease substantially at that time. I will ask my staff if they have any up-to-date figures since then.

Mr. Samis: Supplementary, Mr. Speaker: In view of the fact that the leases were renegotiated and in view of the fact that in Belleville—when comparing neighbouring service centres—the difference in price is 17 cents a gallon, in Kingston 14 cents a gallon, and in Cornwall 17 cents a gallon, would the minister not consider those price differences excessive, if not verging on a ripoff? Would he investigate those differences?

Hon. Mr. Snow: Mr. Speaker, they do seem somewhat excessive but I would have to say that in my own community I have two service stations within a mile and there's about a 10 cent differential there, and neither one of them is on Highway 401.

Mr. Nixon: Supplementary: Is the minister aware that the Highway 401 service stations blame the terms of the government's lease for this extraordinary differential, and that in fact it's the amount of money that comes into the provincial Treasury that is, in their words, responsible for this large additional cost that the travellers on 401 must pay?

Hon. Mr. Snow: With all due respect, Mr. Speaker, I don't care whether they blame the government or not. When those service station contracts were awarded on land owned

by the ministry, tenders were called amongst the major oil companies to bid on the terms of the contract for them to construct their own building and to operate a facility meeting certain standards, which meant that they had to operate 24 hours a day; and they had to supply certain other services. Then the contract was awarded to the company offering the highest bid. As the rate they pay is a percentage of sales, the very large increases in the cost of fuel automatically increased our revenue, because we were getting that percentage on the extra 10 cent federal gasoline tax plus the cost of the oil from the wells. So when we renegotiated those contracts, we removed that percentage from those extraordinary costs so they are basically going back to the prices they tendered. If they are paying too much it's because they tendered too high.

Mr. Speaker: The time for oral questions has expired.

ORDERS OF THE DAY

VILLAGE OF PORT McNICOLL ACT

Mr. Maeck, on behalf of Mr. G. E. Smith, moved second reading of Bill Pr5, An Act respecting the Village of Port McNicoll.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF OTTAWA ACT

Mr. Breithaupt, on behalf of Mr. Roy, moved second reading of Bill Pr14, An Act respecting the City of Ottawa.

Motion agreed to.

Third reading also agreed to on motion.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following were concurred in by the House:

Office of the Lieutenant Governor.

Cabinet Office.

OFFICE OF THE PREMIER

Mr. Gaunt: Mr. Speaker, if I may just say a word about concurrence for supply for the office of the Premier: My colleague from Ottawa East (Mr. Roy) wondered if there could be some time set aside for this concurrence, in view of the fact that he wasn't able to raise some matters with the Premier during committee consideration.

We have in our committee an additional 17.5 hours; so I raise the point with you, Mr. Speaker, and ask if the House leaders

could concurrently agree to set aside some time to accommodate my colleague in this regard.

Mr. Speaker: We will leave that order on the order paper then.

House in committee of supply.

ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL (concluded)

On vote 1306, courts administration program; item 1, program administration:

Hon. Mr. Welch: Mr. Chairman, if I may be permitted at this point, it is my understanding that there has been some agreement to conclude these estimates by 5 o'clock, and that we would then take into consideration the estimates of the Ministry of Consumer and Commercial Relations. I thought it might be wise at this point to have that on the record.

Mr. Breithaupt: Yes, Mr. Chairman, that is our understanding, that even though the Attorney General's estimates might be concluded in perhaps an hour or so less than the time allotted, we are quite prepared to attend to that so the Attorney General may be convened for a meeting with the Prime Minister of Canada.

Mr. Lawlor: Yes, just a word on it. As a matter of fact, I think we may release him from dunning and drudgery long before then.

Hon. Mr. Welch: Mr. Chairman, in that case the Minister of Consumer and Commercial Relations awaits.

Mr. Foulds: Without.

Hon. Mr. Welch: With.

Item 1 agreed to.

On item 2, Supreme Court of Ontario:

Mr. Foulds: I wonder if the Attorney General could indicate to me how many judges there are currently in the Supreme Court of Ontario, and how many of them are inoperative because of illness, royal commission appointments, other duties that take them away from the bench, or any other reason?

Finally can he tell me why the Supreme Court assizes scheduled for October in Fort Frances were peremptorily cancelled when there was evidently a judge prepared to go there? There were five cases prepared to be heard, one of which I gather has been outstanding since 1971.

Whether or not the information in Fort Frances that the judge was ordered to stay in Toronto to hear cases is true, doesn't that speak to something? Surely it is just as important for the Supreme Court cases to be

heard throughout the province, and particularly in what I believe are called county towns or district towns, such as Fort Frances. Surely that is a thing that must not be condoned.

[3:15]

Hon. Mr. McMurtry: In reverse order, I can't speak specifically as to why those specific sittings were cancelled. If the member would like, I will attempt to obtain that information and so advise.

I must confess that I think there is a problem here with respect to the Supreme Court assizes. I really think we're going to have to get into some form of regionalization in order to alleviate that situation. As a matter of fact, I am requesting Mr. Williston, whom I commissioned just under two years ago to review the rules of practice in order to simplify them, to add to his plate the concept of regionalization of the Supreme Court of Ontario. This would be to try to remove certain problems that have developed when these sittings are cancelled or when they're just not completed or when there are cases left. I can say that I am not happy with the present situation at all.

With respect to the number of Supreme Court judges, it's a timely question because there was an editorial in the Star today that contained a number of factual errors but was similar to the question. It raises the issue of delay of a certain case because of the alleged unavailability of a trial judge.

In the two years since I have been the Attorney General we have increased the size of the trial division of the Supreme Court of Ontario by close to one third. It will now be up to 41 judges with the legislation that we passed in this Legislature a few weeks ago—when those additional four judges are appointed and the Minister of Justice has been so advised and is considering these four additions.

With respect to the number of judges who are involved in other activity, there is, of course, Mr. Justice Hartt and the Hartt commission. Coincident with his appointment, we increased the size of the Supreme Court trial bench by a judge, knowing that he would be detached from it for some time. We have Mr. Justice Hughes on the waste disposal inquiry.

I'm not sure—I think those are the only judges that are not active in their duties. We had a judge, Mr. Justice Wright, who took very seriously ill and has resigned. So the Supreme Court bench, as I say, has been increased quite substantially during that pe-

riod of time. But I think the points that are raised by the member for Rainy River is—

Mr. Foulds: No, the member for Port Arthur.

Hon. Mr. McMurtry: I'm sorry, for Port Arthur. I was thinking of our friend Pat Reid, who has talked to me about similar problems in his area—

Mr. Foulds: It is his area I am talking about—Fort Frances.

Hon. Mr. McMurtry: Yes—that are very relevant to our problems. I have just indicated the initiatives that we are taking to try to meet them.

Mr. Foulds: Just to follow up on that, and getting the assurance from the Attorney General that he'll get me the specific information that I asked about, it did seem to me to be ironic that in previous days' debate we were talking about trials folding because of lawyers not being prepared to proceed with cases. Exactly the reverse occurred in October in Fort Frances where, from my information at any rate, the lawyers on both sides of the cases in each of the five cases were prepared and anxious to go ahead and it was cancelled somewhat suddenly—with, I think, only a week's notice, if that. That does seem to me to be a great injustice, because the quickness of justice, I think, is important too in the outlying areas of the province.

Mr. Bounsall: Under the policy vote in this section, I would like to draw the attention of the Attorney General to a matter which we discussed in his office at one point with respect to another case, that is the speed with which his staff follows up and that there should be a good follow-up and a continuous follow-up on the reciprocal arrangements we have with various states on child support. I believe last February I mentioned to the Attorney General a case in the Michigan court. My point was then and is now that if these reciprocal agreements are to be worth anything, then there must be regular follow-up from the staff in his ministry to ensure they are carried out.

Quite briefly, I want to indicate in another case—this one with the state of California—my concern about the follow-up which took place and to give an illustration of the lack thereof for some months with the hope that the Attorney General will see that the particular office charged with following it up does a better job than it has done in the past.

Into my constituency office last August 12, 1976, came a complaint from a Joy Boorn that her separated spouse had fallen some \$533

behind in child support payments. They were various payments in the months of March, May and June. On May 18, 1976, her lawyer had written the Los Angeles court and got no reply. Towards the end of the month, this information about it having come in around the middle of the month, I contacted Mrs. Boorn and got all the details of the arrearage and of the work that had taken place.

On September 1, having sorted out all the details, I wrote a letter to Mr. Ken Booth, who is the senior staff person in the ministry who looks after the reciprocal agreements, giving him all the details of the arrearage and the amounts, urging him that the reciprocal agreements Ontario has with California be followed up as quickly as possible and that the husband, Charles Leslie Boorn, be brought before the Los Angeles court as soon as possible with a view to regularizing his payments as well as collecting the arrearage. On September 7, Mr. Booth wrote to the district attorney for Los Angeles county requesting that action and enclosing a copy of my letter of September 1.

In my contacts with Mr. Booth I have had no problems whatsoever in having him do something. My concern, having sent that letter out, is that if that reciprocal agreement is to operate effectively, follow-up should take place immediately.

Two and a half months go by and the only thing that occurs in these two and a half months is that one half-monthly payment is made by Mr. Boorn from California. There is no reply to Mr. Booth from Los Angeles and no other indication that Mr. Booth has jogged the memory of the people in Los Angeles.

Finally, on November 30, I wrote Mr. Booth, urging him to ensure that the matters in hand get into court down there. I had heard nothing since my letter to Mr. Booth of September 1 and receiving a copy of his letter of September 7. Quite dutifully, on December 3, Mr. Booth again writes the court in Los Angeles.

My concern is that surely there must be some mechanism to hurry these things along. If one doesn't get a reply within a month to this office in your ministry a follow-up should take place. September 7 was the first time Mr. Booth wrote. The next time was December 3 and that letter went out in response to my urgings in my letter to him of November 30.

As a result of the December 3 letter going out from Mr. Booth, Los Angeles court does reply on December 31. A Mr. Herbert Jacobowitz, the acting director of the Bureau

of Child Support of the office of the District Attorney, county of Los Angeles, acknowledged the arrearage and said that his office was going to process a contempt citation. That copy of that letter to Mr. Booth was sent to me and I duly passed it on to my constituent and it looked as if some action was being taken.

Another two and a half months went by and absolutely nothing happened. And this is my point: Nothing happens. Having gotten that letter of December 31, something should happen, I feel. When I took the next step, I wrote a somewhat angry letter to Mr. Booth on April 25, 1977. I just want to quote, if I could, Mr. Chairman, one paragraph:

"It appears to me that our whole system of reciprocal agreements is either falling apart or has been set up such that they were never intended to operate properly in the first place. It takes months it seems to achieve anything or even hear anything, let alone achieve restoration of regular support payments. Would you light a bomb under somebody with respect to this case or advise me as to where I may best throw my bomb so that results are achieved?"

In reply to that on May 18 another letter went out from Mr. Booth and another one went out unprompted on June 10. As far as I can see in my files, there was no reply from Los Angeles to either the May 18 or the June 10 letter. Your office can't be held accountable for no replies to Mr. Booth's letters of May 18 and June 10 sent in response to my letter of April 25.

I wrote the letter on April 25 and on April 27 a letter from Mr. Booth's office went to Mr. Jacobowitz and again, unprompted as I say, Mr. Booth sent letters out on May 18 and June 10.

That's the kind of follow-up I would hope would continue to take place on a regular basis. There were no replies to those letters.

And finally, on June 21 I phoned the appropriate person in Los Angeles, and followed it up with a letter, a copy of which I sent to Mr. Booth, indicating the results of the phone conversation which was a commitment by the Los Angeles court to put her on the docket. I actually phoned on June 20 and could not make connection but indicated the file under which I was interested. When I finally connected on June 21, they had put her on the docket. They said they may not get the person into court within perhaps 75 days, that being their length of time to get an open date on the docket but also a commitment that if an

open space came up in that period, they would put them on.

I confirmed what they had told me in a letter to them the next day, June 22, of which Mr. Booth got a copy. On June 24 from Los Angeles I got a letter—they wrote to the ministry here indicating that same thing.

Here again, at this point, having made the personal contact and having got her name placed upon the docket, I would have thought things were charging along.

[3:30]

Finally, getting into court: I decided that I would do nothing until I heard that the case got before court, because really the office in your ministry should be doing the follow-up. They had dutifully supplied me with their copies of the letter and any letters that I had sent down to them independently and certainly the contents of the phone call which I had made.

I confidently expected to hear shortly exactly when the person was getting into court. I had asked Mrs. Boorn if, at the first instance she heard, she would phone me. Dutifully on November 21 she phoned to say that she'd received the letter indicating the court hearing would take place on December 14. But in that period from June 24, in which the Los Angeles county district attorney had written to indicate that in 75 days, hopefully, they would have Mr. Boorn into court down there, nothing again went forward from the office in your ministry charged with seeing that this should happen.

So finally we have a court date of December 14. The arrearage is now slightly in excess of \$4,000. Mrs. Boorn, who has custody of the children, is a working person and this \$4,000 is rather critical to her existence. I know one can't control how quickly the courts in another jurisdiction respond in getting a court date set and so forth. But my concern is that there was a two and a half month delay in which your section of the ministry charged with dealing with reciprocal agreements did nothing last fall to ensure that the case got speeded up. It was the same about two and a half to three months the past winter between January and April, when I again wrote. There was some follow-up quickly on that, but you would hope something would have occurred between June 24 and mid-November when the court down there finally sent a letter. The letter was received on November 21 and indicated a court date in December.

I would urge the Attorney General that a practice be instituted in that division so that

there is monthly follow-up with the courts in these other jurisdictions over these reciprocal arrangements. You could ensure that they are continually jogged, or from time to time that a phone call be placed, even if it's to California. You could tell them a case has been down there three months, four months, six months, whatever it is and do they have a court date yet.

Does the minister not agree that that would be a reasonable way to proceed? Would it not ensure that you don't have, as in this case, 15 months-plus between the time it was initially brought to Mr. Booth's attention before this person gets into the courts in Los Angeles, with three periods of two and a half to three months in which nothing is heard and no follow-up is done by that particular division?

Hon. Mr. McMurtry: I think, as the member appreciates, these reciprocal enforcement and maintenance matters to a very large extent were in the hands of a foreign jurisdiction. I suppose the only sanction we have ultimately is to cancel the agreement. I was under the impression that there was a regular follow-up mechanism through our own ministry with respect to the reciprocal orders and that there would be some communication back and forth. I think all I can do in this case and in relation to the others, is to check with Mr. Booth to ascertain just what the details of the mechanism are, and to advise the member accordingly.

Mr. Bounsell: If I could just comment on that, whenever I've talked to Mr. Booth he's been quite agreeable and done something immediately. My point is, what would have happened, since the last correspondence between Mr. Booth and myself was in early December of last year with finally a reply from the Los Angeles court on December 31, if I had not written again on April 25 and Mr. Booth then sent off three letters over the next six weeks? What would have happened?

I feel that I shouldn't always have to be the person who initiates letters going from this division to the court in whatever state is responsible for the case. There should be within your ministry a mechanism which checks up on this on a regular basis and it shouldn't have to come about, each time some two and a half months apart upon urging by myself. One urging, a very angry letter on my part, did result in three letters going out over a course of six weeks, but they then stopped. As yet another—what is it?—from the end of June through to November 21 took place; yet another bit of correspondence in that time. I think a simple letter on a regular basis, asking: "What are you doing now?" to those

appropriate jurisdictions, may well wake them up to the fact that we're serious about reciprocal agreements and their enforcement.

Mr. McKessock: Mr. Minister, I'd like to bring before you this case, the Verdon Rae case, again—I can't bring it to you in lawyers' terms but I can in farmer's terms—where the victim got ripped off by the courts as well as the thief. As you know, we went over this some time ago and the farmer's lawyer, Peter Fallis, has contacted you a few times. He is a bit disturbed that he hasn't received a reply from you. I'll send you a copy of his letter, and maybe you could see if there has been an oversight or there's a reason for not having responded.

The farmer had \$3,300 worth of cattle stolen out of his barn and the thief was caught and taken to court. In the court he was convicted and an order of restitution was made by the courts for him to pay back the farmer \$3,327.28. When the farmer contacted his lawyer to find out where his money was, they found the victim had appealed the decision and the appeal court had upheld the conviction but wiped out the order of restitution. This leaves the farmer in a position where he now has to again go through the process of convicting the criminal in civil court. Apparently, the evidence produced in the first court cannot be used in the civil court. This will cost the farmer another \$3,000. It gets to the point where if you don't have more than \$3,000 stolen you might as well forget about it.

I think this is a sad situation because I can't figure out why, when he was convicted and restitution was ordered by the court, an appeal court would be allowed to overturn the order of restitution.

At one time I asked you the question in the House.

There seem to be a couple of things here which are a problem. The evidence of the first trial can't be used in the second trial. At one time I asked you if you intended to amend the Ontario Evidence Act, whereby previous convictions for criminal or provincial offences would be admissible in subsequent civil proceedings as proof of the fact giving rise to the conviction. At that time, you said that you were of the view that there are amendments that should be brought forward to avoid the situation that was faced in the case of the farmer who lost the cattle—that is to avoid unnecessary duplication of proceedings, namely, findings in a criminal court that have to be retried in a civil court.

You also said: "Until a complete review has been done of the Law Reform Commission's recommendations, which are very ex-

tensive . . ." you didn't think you could say anything further at that time. I was wondering if you could say something further at this time.

Hon. Mr. McMurtry: I recall the case well. I will find out for the member what has happened in relation to the response that should have gone out to Mr. Fallis' letter of March 3. I'll inquire into that and advise you accordingly.

We did touch on this issue of restitution earlier in the estimates. I indicated that restitution provisions under the Criminal Code had been challenged. As a matter of fact, the Manitoba Court of Appeal had ruled them unconstitutional in dealing with property and civil rights, which are within the provincial jurisdiction, as opposed to the criminal law, which is, as you know, in the exclusive jurisdiction of the federal government.

Now the Supreme Court of Canada has a case on that aspect which, I gather, is going to be argued within the next couple of weeks. So there's an issue, first of all, as to whether the present restitution sections under the Criminal Code are constitutional.

What happened in the Rae case was that the Court of Appeal, as the member stated, reversed the trial judge. Of course, the Court of Appeal can always reverse the trial judge; that's the way our law has always been and, I expect, always will be. If there's a right of appeal, which there usually is, then the appellate court does have the right to disturb any findings or any orders made by the trial judge.

But the unfairness to Mr. Rae in that case was not so much that the court reversed the order. He may, of course, have thought it unfair, but the court has that jurisdiction. The unfairness, in my view, accrued to Mr. Rae—and I did mention this on the CBC Ombudsman's program—in that Mr. Rae did not know that that issue was being dealt with by the Court of Appeal. He had no opportunity to have anybody make representations on his behalf because the Court of Appeal was dealing basically with a criminal matter.

I certainly indicated at that time that I thought—and I still think—there should be some mechanism of letting a victim know when the restitution order may be an issue in a Court of Appeal. I made it quite clear that I am prepared to approach the Minister of Justice on that. But, of course, until there is some determination by the Supreme Court of Canada as to whether the sections in the Criminal Code are valid in the first place, the Minister of Justice isn't going to amend

the Criminal Code to provide that right to the appellate.

So, Mr. Chairman, that deals as best I can with the Rae case in so far as it came under the Criminal Code and in so far as the order of restitution was interfered with by the appellate court.

[3:45]

Now in relation to any amendments to the Ontario Evidence Act, as I recall, the report of our Ontario Law Reform Commission on the rules of evidence in this province recommended against allowing the introduction of a criminal conviction to prove that fact in a civil case. As I have indicated to the former chairman of the Law Reform Commission, now the Deputy Attorney General, who is a foot away from me, I don't entirely share their views in that matter, but that's what the Law Reform Commission has recommended.

What's happening right now is the uniform law commissioners throughout the country are trying to arrive at a uniform Evidence Act for each province so you won't have these differences and it's presently being worked on. There's a task force made up of federal and provincial people across Canada trying to arrive at a uniform provincial Evidence Act for every province because obviously, as the members opposite can appreciate, there's some interest in trying to arrive at some uniformity of legislation in these matters. We will have their report hopefully in the near future.

In the meantime, all I can say is—and it's perhaps not much help to Mr. Rae—we are naturally awaiting with great interest the determination by the Supreme Court of Canada as to whether the provisions in the Criminal Code which allow an order of restitution are constitutionally valid. I think everything will flow from there.

As I indicated earlier in the estimates and it had been pointed out to me if the Supreme Court of Canada rules—and I think this is the important thing as far as Mr. Rae is concerned, not the issue under the Evidence Act so much—where the damages are fairly clear-cut, the court dealing with the criminal case can make the restitution order, that's preferable in my view at least, to forcing the individual to go into the civil courts, even if he can prove the conviction or just file the conviction to prove the fact of the theft.

What we would like to do is to be able to permit the criminal court to deal with it where the damages are not in dispute. As I indicated earlier in the estimates, Mr. Chairman, if the Supreme Court of Canada rules

these restitution sections under the Criminal Code invalid, it's our intention to introduce provincial legislation forthwith, to give our judges in Ontario with criminal court jurisdiction powers under provincial legislation, if the Supreme Court of Canada says you can't get them under federal legislation.

Mr. McKessock: Thank you, Mr. Minister, for that explanation. I find since I came in here, lawyers have quite a time agreeing too, just like farmers. They usually say if you ask three farmers, you will get three different opinions and I found this to be quite a bit the same with lawyers.

Mr. Makarchuk: They only charge more for theirs.

Mr. McKessock: I agree restitution should stay in the federal court—this is what should have happened. I find it awfully hard to understand how an appeal court could overturn a clear-cut decision. The cattle were known to go through the sales barn and the receipts were there—there was no doubt he was convicted and no doubt of the price of the cattle. For any court to allow an appeal on a clear-cut decision like that is unbelievable.

Hon. Mr. McMurtry: The court did it because there were two accused, two people had been convicted, and the order for restitution was against only one of the two accused. The court, on its own motion—because nobody asked the court to do this, which made it more complicated—looked at it and said, "For some reason the judge made the order of restitution against only one accused and not against the other. It is unfair to make one of the two accused bear the burden", so they struck it out. I am not suggesting I agree with their decision, but I think this is the background as to why they interfered with the case.

Mr. McKessock: This case is kind of hanging on, to see what is going to happen, because as I suggested earlier it is going to cost Mr. Rae as much money to finish this case as he is going to get out of it. Could you tell me when you think there might be a change in the proceedings? Can they wait for this change to come into effect before they finish this case?

Hon. Mr. McMurtry: I wouldn't recommend it in this particular case. The machinery of justice and the law moves slowly admittedly, and generally speaking that is for a good purpose. I think any time you change the law or change the procedures you must move with a great deal of caution, and this sometimes results in a great deal of delay. I

can appreciate this can create enormous frustrations for people in the position of Mr. Rae.

I would think in this particular case Mr. Rae would not have much trouble in recovering. It's not for me to give him civil advice and it is really not the role of the Attorney General, but in a case such as this where the accuseds have been convicted I don't think it would be a very costly business to get a judgement in, say the county court, for the value of the cattle. I doubt very much if the issue would be defended.

I am speculating and perhaps I shouldn't embark on a speculative venture without knowing all the facts but I would think Mr. Rae's problem is not so much in getting a judgement against the two accuseds who have been convicted, but in collecting it. No law is going to assist in getting blood from a stone. That often happens in cases such as this where you are dealing with criminal acts.

Mr. McKessock: Has there ever been any thought given to setting up some kind of compensation fund for cases like this where the victim could be paid? It could be collected later by the courts in some way. I think other Acts and laws have come into existence in the last few years to protect the victim. This is another case where I think the victim should be paid fairly quickly and somehow the funds be collected at a later date.

Hon. Mr. McMurtry: As you know, we have legislation for compensating victims of crime, but this is only in relation to personal injuries. As a matter of fact, I think I tabled the annual report of the tribunal in relation to compensating victims of criminal acts for personal injuries. This is exactly what happens.

Now with respect to damage, there is a problem of insurance. At this point in time, I don't think any jurisdiction, quite frankly, has felt it could afford a scheme to compensate victims for damage to property. I think it is a desirable goal, but I don't think any jurisdiction anywhere has felt the public purse could afford it.

Mr. Lawlor: A couple of points in the limited time we have left: On Mr. Justice Kelly's report with respect to the Court of Appeal of Ontario. No doubt you or your department have perused the report carefully and its numerous recommendations. What is your reception and feeling about the report, particularly about the division of the court into two segments, one being called the "general" section and the other the "juristic"?

Hon. Mr. McMurtry: We think there are a number of useful recommendations. I am waiting for recommendations to my own ministry as to what we might be able to implement. The most significant recommendation of all is the one to which the member for Lakeshore has just referred, namely, the two-tiered system of a Court of Appeal.

I have to say at the moment that recommendation is being reviewed very carefully. I have received a number of letters from members of the profession opposing the recommendation and I must admit I have had relatively little support from the profession in favour of the recommendation. At this point in time, all I can say is we're reviewing the recommendation very cautiously.

Mr. Lawlor: The Supreme Court is divided into two sections, the Court of Appeal and the High Court, in Ontario. It covers quite a bit of ground. In the Court of Appeal criminal appeals, the case load situation at the end of the fiscal year 1975 was 607. It rose in the next year to 694 and is now at 699. That's on the criminal side. The civil side is at page three of your report. It has gone from 638 in the year before last to 699 and is now 815. There is an increase there.

My understanding, to make this kind of short, is that there is no real problem in the Court of Appeal with respect to case load. They're able to handle it and dispose of the cases with the present number of judges and courtroom time. Is that correct?

Hon. Mr. McMurtry: Yes. We think there are ways in which we can cut down their load but, generally speaking, they regard it as quite manageable.

Mr. Lawlor: In the Supreme Court, in the trial division, the figures are a little more horrendous. Taking the Ontario total, divorce, motor vehicles and what not, there were 37,400 the year before last, then 39,000—up a little over 2,300—and now in the last figures here, 43,300. That is escalating and we're dealing with thousands of cases at this particular stage. With the new judges, is that situation manageable too?

Hon. Mr. McMurtry: They're short about four judges at the moment. We're listing divorce figures under the Supreme Court for divorce under the Matrimonial Causes Act. It was explained to me why we listed them under the Supreme Court as opposed to county court and at the moment I forget the explanation. MCA is the Matrimonial Causes Act. They're county court judges and local judges of the Supreme Court. That's why it's listed under this heading.

I think the Supreme Court feels the list is getting a little heavy. They are embarking on a number of pretrial procedures, criminal and civil, to try to cut down the load. As I indicated a few minutes ago, we have increased the size of the Supreme Court trial division by over 30 per cent—close to one third—in the last two years. We're optimistic that with the appointment of the additional judges this will bring it within manageable proportions.

I think the key test is that delays in civil actions, both jury and non-jury, are not unreasonable. Those delays, in my own personal experience, have not increased over the years between the time that an action is set down for trial and a certificate of readiness served and a trial date is obtained. That is one area in which I can say there hasn't been any significant increase in that time. In my own experience, it has fluctuated back and forth in the last 10 years.

[4:00]

It is pointed out to me that the backlog throughout Ontario this year—up until the end of June of this year—has actually decreased slightly.

Mr. Lawlor: Slightly, yes.

Item 2 agreed to.

On item 3, county, district and small claims courts:

Mr. Lawlor: Just a word on item 3 on case load and that vexing perennial problem that we have on trials de novo. The figures given to us are that in York on the county court set-up it went from 2,900 to 3,600 last year to 4,200 this year in the summary convictions appeals area. All kinds of nostrums have been presented to you on that.

By way of an aside, you are placing an enormous emphasis upon Williston. You think Williston, like some kind of lodestone, is going to solve all your magnetic compasses. That may not be so. After all this is merely procedural; no matter what he can come up with on pretrial matters with a little streamlining here and there, you have still the whole vast inertia of the courts and the way in which they have forever operated. I wouldn't place a great deal of faith in it. Some, but not unduly in that particular area.

Back to trial de novo: Can you make a statement about that? Are you going to set a limit as to the sum that may be appealed in terms of the fine? Is there some scheme that you may have to relieve that load?

Hon. Mr. McMurtry: As you know the summary conviction appeal rules have been changed in order to permit an appeal on the record, not trial de novo. I think those sec-

tions were just proclaimed this fall. That will undoubtedly have a significant impact, I suspect, on the number of cases.

Furthermore, we will be introducing a new Provincial Offences Act, a very important piece of legislation, in relation to the trial of minor highway traffic matters. There won't be the same number of minor highway traffic cases going to a county court judge. In some of these cases the right of appeal in a minor traffic case will end with a provincial court judge. They will be heard in the first instance by a JP and under the present state of the law they go from a JP to a county court judge. A lot of these appeals were initiated simply to delay in order to protect points in relation to an operator's licence.

Under this proposed new Provincial Offences Act, for minor highway traffic cases there will be a right of appeal but that will be from a JP in many cases—and I emphasize in the minor cases—to a provincial court judge and from there to a Court of Appeal on a question of law. But we are optimistic that this will significantly cut down as well the volume of summary conviction appeals, particularly in places like the judicial district of York where it is very heavy.

Although we think the Williston committee is important with respect to civil cases, I certainly hope, Mr. Chairman, that I haven't created the impression that we are putting too much reliance on Mr. Williston because that is not the case. While we regard his work as very important, we just regard it as one important element in the overall picture which requires a number of initiatives.

Mr. Lawlor: Just very quickly: In the general sessions for the peace—that is, the criminal cases with jury at the county level—the cases remaining in York have escalated quite a bit over the previous period. At least, on page eight of the notes you gave us from 592 to 706. What is the situation there? Are you getting complaints from the judges and from the Crown counsel and others handling these cases that there is a log jam in this area?

Hon. Mr. McMurtry: Mr. Chairman, I don't recall any specific complaints. I do discuss this problem from time to time with the senior judge in the judicial district of York, a gentleman who is well known to the member for Lakeshore because of his previous responsibilities. I am very open to suggestions he has in expediting these cases through the courts.

I think with respect to the judicial district of York where the problem is particularly critical in the county court, the decentralization of the Crown system will help. What

we are trying to do is arrange for individual Crown attorneys to be seized with these cases at an early stage. We think this will be one effect, hopefully, of cutting down the volume.

Under the present system where you have a very large Crown's office centralized for most purposes on University Avenue, many of these cases in the county court are assigned to a Crown attorney only a matter of perhaps several days or less prior to the trial. And the police are responsible for ensuring that the witnesses are present.

We think it will be improved with the smaller semi-autonomous offices. Then even if the case originates in North York, the Crown attorney will follow it downtown with the responsibility from an earlier stage, being "seized" as I have expressed it. It will encourage defence counsel to approach Crown counsel and vice versa with respect to cutting down the length of the trial, avoiding the calling of unnecessary witnesses. We are hoping this is one way in which this backlog will be reduced.

Item 3 agreed to.

On item 4, provincial courts:

Mr. Worton: I would like briefly to bring to the attention of the minister a letter that I had written to him last week. I realize this may be repeating the situation but I believe the minister is a man who tempers justice with mercy. It involves whether or not the courts themselves are abusing the method in regard to collecting of what I would term NSF cheques.

I gave him an example of a young man who issued three cheques—one for \$10, one for \$4 and another one for \$4. Eventually he was picked up by our local police and jailed in the Kitchener jail. He then had to appear in the Cambridge court. He wanted to plead innocent but he was advised, I suspect by the legal counsel on duty that he should seek legal advice. Then it was postponed to be heard in Kitchener on January 10 of next year.

The father, who has a position with a utility in Guelph in which he deals with credit, came to me. The parents failed to understand the situation. The father said if half the people who send in NSF cheques to this utility were charged, the jails would be full every night. When he came to see me this Saturday he thought it was rather extreme that this firm should use the police as what I would term as a collection agency for such a small account.

It will no doubt mean charges against a young man of 21 when, with perhaps a little

bit of discussion between the family and the firm they might have been avoided. I'm not enough of a legal mind to understand the procedures, but when this money could have been paid to the firm to whom he gave the cheques—and oddly enough he had the money in a non-chequing account but not in his regular chequing account when he issued them.

So I'm just wondering, Mr. Minister, in view of people on the street who don't understand—when they read of situations like the member for Grey gave here a minute ago—about a man who was convicted of taking cattle valued at \$3,300 and was ordered to make restitution and then he appealed, and it looks from what I heard that the farmer is going to be out that money—it is pretty hard to convince the man on the street that justice is equal for everyone. I'm just wondering what your feeling is on the courts being used in such a way for such a minor thing.

Hon. Mr. McMurtry: Mr. Chairman, I certainly would share any concern of the member opposite for any abuse of the process which in my view would be the case if the courts are used as a collection agency. There's nothing to prevent an individual from coming before a JP and laying a charge. They must swear they have reasonable and probable grounds to believe that an offence has been committed—namely the obtaining of something by false pretences. But as I recall the law, the crux of that offence is that you must have reasonable and probable grounds to believe that the individual did not have the funds in the account when he wrote the cheque. I would think in many cases this would be very difficult. I know the chief judge of the provincial court, who has jurisdiction over the justices of the peace, continually reminds them that the courts are not to be used as a collection agency.

I'd be interested in following up the matter that the member has written to me about, Mr. Chairman. I haven't yet seen the letter to find out why the JP would issue process, particularly when it was such a minor amount. The fact that it is a minor amount in itself does not mean that a criminal offence has not been committed. But I'm very concerned about the possibility of courts being misused in that manner.

It's a very difficult area because it's hard to generalize. But I will certainly pursue the matter that you've written to me on, and we will remind the JP, hopefully through the chief judge in that area, to be concerned

about the possible abuse of the process in this respect.

Mr. Worton: I would appreciate that, Mr. Minister. I'm sure if the story as I've got it has been told in a truthful way there should be accommodation. Not that I want to ever interfere in the duties of the court. I'll be most happy if you and your staff look into it thoroughly and see if there's another solution to the matter.

Mr. Stong: I have a question for the minister. For some time now I understand that the provincial judges' association has been dealing with the financial management branch of your ministry concerning their pensions. I wonder if you could give us an update as to just how those negotiations are proceeding and what the attitude of the ministry is toward the pension fund of the provincial judges.

[4:15]

Hon. Mr. McMurtry: Shortly after I assumed my present responsibilities, I made it very clear I did not wish to have anything to do with the judges' salaries, or judges' pensions. When I speak of myself I must, of course, speak of my ministry in the same light, because I viewed it as something that could only give the perception of a possible conflict of interest. After all, it's something that could have the appearance of affecting in an adverse way the independence of the judiciary. Obviously, they shouldn't be negotiating salaries or pensions with the chief prosecutor, the person responsible for bringing cases before them.

So to my knowledge all of these matters are dealt with by the Management Board; and all negotiations, to my knowledge, have been carried on by my colleague, the Hon. James Auld, in this respect.

Mr. Stong: Am I given to understand that things have changed, since July 1975, at any rate, where the provincial judges were considered at that time employees of the ministry for the purposes of group insurance plans? And is not your ministry involved in the remittance of salaries to the provincial judges?

Hon. Mr. McMurtry: Certainly it has changed since July 1975. I guess I was sworn in on October 7, 1975. It's changed since that time. The mechanics of issuing the cheques may still be done through our ministry but that's a mechanical operation.

Mr. Stong: Am I given to understand that the provincial judges are concerned about the very thing you have stated you want to avoid? That is, if they are not employees or servants of your ministry, they may be

perceived to be so in terms of salary negotiations? In fact, they do receive their salary from your ministry and at the point of receiving their salary, unemployment insurance is deducted, for instance. They are concerned about that as well, as I am given to understand.

Hon. Mr. McMurtry: That may have been the case. It's no longer the case, Mr. Chairman.

Mr. Lawlor: On the matter of the horrendous figures that have to do with the provincial courts in criminal division: The case-load backlog for Metropolitan Toronto as of March 31, 1977, was 1,630,114 cases—that's quite a few cases; the rest of the province is around 1,600,000 to make a grand total in these courts for the province of over 3,000,000. The Attorney General has, to some degree, indicated his concern in estimates, although it was done far more thoroughly last year. But there is no use repeating yourself unduly. What has to be done is known and the mechanisms by which it can be done are being gradually seized upon.

But that surely is a startling figure. I suppose the chief weight of the figure comes with the highway traffic offences in which justices of the peace are playing a greater and greater role and for which tribunals of various kinds are being set. I think the Attorney General would agree with me that to some degree the siphoning away from the regular courts of that particular kind of offence, would do very much to lighten this case load, and the very heavy burden and what appears to be monstrous number of cases.

I don't know how the filing systems in those courts can ever remain apace and whether there aren't all kinds of snafus developing because of the sheer load. Once a problem gets up past a certain marginal point it compounds itself and all kinds of elements enter in which were not original parts of the problem and are really, from an operative point of view, quite unnecessary.

Without any great and elaborate reply, could the Attorney General comment on that?

Hon. Mr. McMurtry: I think the figures referred to by the member for Lakeshore are not the backlog, but actually the disposition, so that in the fiscal period ended March 1977 the provincial courts disposed of 400,000 more cases than they did the year before. So the increases actually are in what they've been able to dispose of. The charges outstanding are significant and are contained on page 11.

Mr. Lawlor: They were two million.

Hon. Mr. McMurtry: We've indicated what we've done with respect to the provincial offences legislation, which will certainly help in relation to highway traffic offences. We've appointed a significant additional number of provincial court judges in the provincial division in the past two years. But, in any event, I don't know that I can add anything further than what I've said in respect to the matter of the backlog.

Mr. Deputy Chairman: Does the member for Lakeshore have any further comments on this item?

Mr. Lawlor: No. As I say, Mr. Chairman, due to the time element here—and I said we'd be out of here sooner than we are at this time—I'm not going to press this matter any further this year.

Item 4 agreed to.

Vote 1306 agreed to.

On vote 1307, administrative tribunals program, item 1, assessment review court:

Mr. Lawlor: On the decisions of the assessment review court and the criteria upon which it operates—those very elusive, those very esoteric grounds upon which assessments are shifted with respect to the same kind of building in the same sort of community, the house two blocks away probably ruled out because it's not close enough. I always find that a very trying part of the thing when people come to see us in our constituency offices complaining and trying to nail that down. In other words, I'm asking whether there is more information by which to form an opinion obtainable as a result of the work of this particular court?

Hon. Mr. McMurtry: I am not sure that I totally understand the question. The criteria, of course, are laid down by the Assessment Act. All I can state is that, hopefully, in gaining experience the courts are more effectively able to deal with these matters.

Mr. Lawlor: Are the cases reported?

Hon. Mr. McMurtry: No, they are not.

Mr. Lawlor: For the general guidance of the public and even the legal profession, this is a highly subjective area. I am telling you both on the part of the county court judges and on the court here. Just how the rules of thumb are linked to the chancellor's foot and operated in this particular area bemuses me. Any information that can be supplied in a general way is far fairer to the public on going into this court, so they know what they are faced with and the type of argumen-

tation that appears to be valid or non-valid by the court.

I don't know if you have ever appeared before one of those courts. I have on numerous occasions. I never know what to say, what the best arguments are—or if there are any, for heaven's sake. You go in and it's a little like this place. You talk through your hat for a few minutes and you might just come out with a favourable decision. Normally, if you talk long enough, you do.

Hon. Mr. McMurtry: I have not appeared before any of these courts, as the member will appreciate.

Mr. MacDonald: That classifies you to speak at length.

Hon. Mr. McMurtry: A great volume of cases is handled. I will explore the matter with my senior officials as to how we might better assist the public to understand the process and whether it would be helpful to publish some sort of booklet to help the individual citizen. I must admit I don't have any suggestions to make myself but I would be happy to pursue it and get back to the member.

Items 1 and 2 agreed to.

On item 3, Criminal Injuries Compensation Board:

Mr. Stong: I have just had handed to me immediately before we got to this vote the eighth report of the Ontario Criminal Injuries Compensation Board.

Mr. Lawlor: Have you read it already?

Mr. Stong: I am sure that would have been very helpful. I do notice on page five there has been an increase in the awards of some 37 per cent. I am wondering in general about the Criminal Injuries Compensation Board whether the attitude that seems to be prevailing among provincial judges and being leaned on perhaps more and more is assisting in this regard in keeping down the cost and the necessity of going to the board.

I am speaking about the reparation and restitution provisions under the Criminal Code that can be acted upon by provincial judges. I have even heard where some provincial judges are making awards for personal injuries, such as an injured thumb or some physical injury.

What is the policy of the ministry in this area? If it is the policy of the ministry to district provincial judges to make awards for personal injuries in criminal cases, I wonder whether that is viewed as being directed towards cutting down the number of cases that are going before the Criminal Injuries Compensation Board?

Hon. Mr. McMurtry: I have some concerns about the matter of our provincial or criminal courts making assessments in relation to personal injuries. I know the Court of Appeal has recently struck down an award that was made by a provincial court judge for general damages. Although the federal government has suggested this might be a part of the process, I must confess I have grave reservations about protecting the rights of all parties, even the rights of the accused, in facing assessment of damages in a tribunal which really isn't set up to deal with assessment of damages.

I have to say I am rather inclined to the view that in this type of case it is best to deal with it through the Criminal Injuries Compensation Board. It's quite clear there are many more people every year making use of the board and this trend is likely to continue. We are considering the suggestion I have just referred to, but I have to confess I have grave reservations about it.

[4:30]

Mr. Stong: Along those lines, have you or are you contemplating sending out a directive to your Crown attorneys as the chief Crown, in the event a provincial judge or any judge within the trial division asks counsel on both sides to direct their attention toward compensation for personal injury, that they ought to leave that to the Criminal Injuries Compensation Board and therefore a judge ought not to address himself to that particular problem?

Hon. Mr. McMurtry: I hadn't considered that but I am quite happy to consider it because I hadn't become aware of the fact this really had become an issue and counsel were in fact doing that. I think there was a decision reversing the order of the provincial court judge recently in the Court of Appeal. I think that decision is generally known. But I will certainly be happy to take under advisement the wisdom of sending out a directive to that effect.

Mr. Stong: I am glad to hear you say that, because I am personally aware of a situation where one of our provincial judges in the county of York ordered an award to be paid in the amount of \$700 for personal injury arising out of an assault occasioning bodily harm charge. The Crown was obviously at a loss at the time.

Better direction from the ministry would assist, because in my mind, as well as I can see in yours, it is a matter best left to the Criminal Injuries Compensation Board.

Mr. Lawlor: I notice pain and suffering is 70 per cent of the total picture; legal fees are six per cent, that is counsel fees in the hearings; and there were 609 awards given in the course of the last year. I just have one comment, and that is to thank the Criminal Injuries Compensation Board for publishing their report—a little late this year for the purpose of these estimates but better late than never—and the way in which they set up their format and outline the cases. This gives you some insight into the basis on which they set forth their awards. That was my complaint with respect to an earlier vote—you didn't get any insight or facts of the situation which would give justification for any particular act they did. But here you do, and that's valuable. Thank you.

Item 3 agreed to.

Item 4 agreed to.

On item 5, Ontario Municipal Board:

Mr. Gaunt: If I may raise the matter I raised a couple of times with the Attorney General, does the Attorney General have any further information with respect to the problem I indicated to him?

Hon. Mr. McMurtry: There is a trial date set for sometime in December, about mid-December. All I can say is I will lean on my office to get that for the member opposite. I am sorry we don't have it for you now; I know it is under active review at the moment.

Mr. Gaunt: I appreciate that; if the Attorney General will keep leaning, I'll keep leaning on him.

Mr. Deputy Chairman: This concludes the estimates of the Ministry of the Attorney General.

Mr. Lewis: You can go back to your office and lay some charges against nefarious scoundrels.

Hon. Mr. McMurtry: While the Minister of Consumer and Commercial Relations (Mr. Grossman) is taking his place, I'd like to make this gratuitous statement: I was well prepared to answer a question, usually asked by the member for Lakeshore, in relation to the office of Her Majesty's Proctor. I have to say I'm a little disappointed—the question wasn't asked.

Mr. Lawlor: Oh, you are disappointed.

Hon. Mr. McMurtry: If I may, I'd like to deliver this brief to the member for Lakeshore. I'm sure he'll find it of great interest.

Mr. Lawlor: John Hilton, the Queen's Proctor.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

Hon. Mr. Grossman: I'd like to introduce our estimates with some statements about the short-term goals, and long-term philosophies and directions of my ministry. In short, what we feel we can honestly, fairly and realistically accomplish, with energy and dedication to the difficult job at hand.

As you know, this is a time of budgetary restraint, but there is certainly no restraint in our approach to service. By increasing efficiency, the ministry plans to offer viable, helpful services, programs and protection, and to show ingenuity at the same time. You will see in the estimates of the Ministry of Consumer and Commercial Relations, a continuing emphasis on efficiency. I have made a commitment to the people of this province to provide an aggressive and active response to consumer needs.

I intend to honour this commitment; and also to honour my commitment to permit, and indeed encourage, business to operate, expand and develop free of unnecessary, wasteful red tape, paperwork, rules and regulations. We do not see our responsibility in the areas of consumerism and commercial relations at cross purposes, rather they have common goals—healthy, fair, honest competition supplying dependable items to an open, effective and active marketplace, one in which consumers and good businessmen can operate safely and effectively.

My predecessor, Mr. Handleman, laid the groundwork, legislatively and administratively. I now intend to follow through with the performance consumers are looking for. The question is how to deliver more without spending more; that is the essential question which I hope to discuss with you during these estimates. Frankly, I welcome your views and your ideas. I'm a new minister and I have come here today to participate in a dialogue with you.

Basically, there are two types of consumerism. The first kind has government answering complaints; investigating, mediating and disposing of them. We do a lot of this, and we do it well; however, we do not think the taxpayer can afford to have us act as legal counsel for all of Ontario's eight million consumers.

The second kind of consumerism is larger in scope and potentially much more powerful. It emphasizes consumer education in the schools and the provision of preventive information to groups and individuals in the community at large; it makes business groups more responsive to complaints; it establishes

compensation funds for restitution and gives consumers direct access to claim against those funds, rather than relying solely upon our mediation or expensive legal action; it features highly visible action by the ministry against businesses or companies which do engage in bad or unfair practices.

To summarize in a sentence, this second approach means developing better consumers and encouraging better businessmen. It has the advantage of being inexpensive but visible, while helping a lot of people. It's a good and effective way, and one which I have chosen to encourage. We are going to continue responding to complaints, but we are not going to claim complaint handling is our only business. Our attention is going to be focused as well on the big issues.

What I would like to do now is highlight two main themes in our estimates—a more efficient ministry and a more active ministry.

First, efficiency: As you will note in the briefing material provided to you, there is no increase in the number of full-time, non-rent review, staff positions in the ministry. The actual staff of the ministry has dropped this year, compared to last year, by 180 employees. This overall reduction has been achieved while substantially increasing the service we provided to the public.

The total increase budgeted in our estimates for 1977-78 is \$10.7 million, an increase of 15.6 per cent. The rent review program is excluded from this calculation. The estimates show funding of the rent review program for only a part of the current fiscal year, because they were prepared last November when the future of the program was uncertain. Since then, additional funding has been obtained from Management Board to continue the program for the remainder of the year.

The largest portion of the increase, about \$6.3 million, is for salary awards. These are economic increases authorized by the government over the past two years.

These estimates don't reflect some of the astute management which has resulted in savings during the past year. For example, we have instituted a records and forms management program which now yields savings of \$130,000 per year. We also have a computerized fixed asset inventory control system. Next on the list of improvements are a consolidated purchase plan and a five-year accommodation plan, including office consolidation and workshops and records management. We anticipate average savings of \$230,000 a year from these and similar measures.

Long-range planning is also being emphasized. By March of next year the entire ministry will be on an MBR program. All basic components of a modern management system are now in place, including strategic planning, operational planning, performance reporting, monthly expenditure control and independent auditing. We are now as well-managed as any of the businesses we regulate; in fact, we are probably more sophisticated than most.

I should add here that when looking at our increases in spending, consideration should also be given to the revenues we earn from our services. For example, the racing commission has obtained a 48 per cent increase in racing dates over the past five years with only a 14 per cent increase in daily costs. The result is an 80 per cent increase in revenues, to over \$40 million. Our land registration activities in the Property Rights Division have resulted in an 84 per cent increase in revenues and taxes over the past four years, to more than \$65.5 million in 1976.

This same trend to efficiency and improved revenues is visible throughout the ministry. We now rely upon the same conceptual tools as businessmen when deciding where to spend our money. Our analysts look at return on investment, cash flow and opportunity costs, just as businessmen do. A decade ago this form of management was not thought possible in the public sector; today it is a reality.

Perhaps the outstanding example is the new personal property security registration system which was inaugurated in April last year. This modern, computerized system informs a person intending to purchase personal property, or accept it as collateral, whether or not the owner has previously pledged the property as security. Any such property can be checked at any one of 49 branch offices across Ontario, in minutes, at a cost of just \$2. This system is second to none, yet its development has cost not one cent of taxpayers' money. It operates on a full cost-recovery basis. This year we added the capacity to check registrations by motor vehicle serial number as well as owner's name, which makes the system even faster and easier to use.

To create a more active, pro-consumer ministry, we are pursuing five main courses of action. First, we are promoting the concept of self-regulation. It is now much more than a theory; it is a fact.

The best example is the new home warranty program. This program was initiated

a year-and-a-half ago and registration of builders has now been mandatory for nearly a year. In this short period of time, much has been accomplished. Every new home sold in Ontario carries a warranty; over 3,800 builders have been registered, more than twice the number we expected. Another 700 are in various stages of the process. Every one of these 4,500 builders is being inspected.

Thus far the program has received 695 complaints. A total of 54 claims involving \$87,926 are now being considered. Nine bankruptcies have been dealt with and 24 registrations have been revoked. There is no question the overall performance of the home building industry is being upgraded as a result of this legislation. This program was initiated by industry and is now being operated by industry under our guidance. It is a successful, working model of what business can do when it puts the consumer first.

[4:45]

There are other examples of this approach which are moving towards reality. For instance, the credit union movement in Ontario now has its own share and deposit insurance corporation, providing the same basic coverage to credit union depositors as the federal Canada Deposit Insurance Corporation. OSDIC, as we call it, already has a board of directors of which a majority are from the movement. Staff are now being hired and procedures are being established. Later this week I will be able to report to the House the successful launching of this self-regulating consumer protection program.

Our provincial corporation will not be arbitrary, distant or bureaucratic. It will be responsible to those it serves, and that surely is one of the great advantages to self-regulation. Self-regulation requires the continued presence of government to ensure that the public's interest is being served. It requires industries with a sense of social responsibility, but when it works it provides the greatest possible service at the best possible price by harnessing the expertise and resources of private industry.

Our second main activity is that we are establishing standards of conduct for various industries. In many cases these guidelines are voluntary. To quote our regimental sergeant major, "You can volunteer or you can be made to volunteer." There is truth to that. Our position of power, both moral and legal, is considerable with heavily regulated industries like insurance or trust companies; but it is a real advantage not to require legislation. For one thing, it saves money; for another, it enables faster response

to consumer problems as they develop. Perhaps most important, an industry which voluntarily accepts the rules is not as likely to spend a fortune on lawyers to find the loopholes.

The co-operation inherent in voluntary compliance is well worth having. Our voluntary guidelines on leases for the petroleum industry, for example, help to resolve serious problems and protect the lessee without the legal complexities which are inherent in any attempt to regulate an industry.

Voluntary compliance is one of the unsung but highly successful and useful concepts enshrined in the Business Practices Act. We have been able to use this technique to obtain redress and change business practices without the necessity of prosecutions in court. From strawberries to the size of tomatoes to \$5 health club memberships, this technique has proved to be inexpensive and effective.

Some of the best examples of voluntary compliance concern financial institutions. The equal opportunity guidelines governing credit granting to women are an outstanding case in point. So too is the successful implementation of loss ratios governing sickness and accident insurance, which we implemented in July of last year. Individual accident and sickness policies now must disclose the anticipated loss ratio for that particular plan. Companies primarily in the business of providing low premium policies with very low payouts are going to run into problems because of the disclosure requirements. I suspect some of them will have to change their products or curtail their sales in Ontario, and that is just fine with me.

A third method of consumer protection we are emphasizing is restitution, using an industry compensation plan. The outstanding example here is the travel industry fund. Although less than two years old, this fund has proved its worth. Since the fund was established, we have paid out more than \$638,000 on 800 claims involving more than 3,000 consumers. Travellers are now fully protected from bankruptcies of travel firms. Because of this success, we intend to introduce compensation funds to other major regulated industries.

A fourth activity we intend to pursue is high profile legal action against companies or industries which are especially hard on consumers. This year our business practices division will pursue about 140 investigations which will lead to an estimated 350 charges. A number of these will have the effect of cleaning up entire industries. Obviously I don't want to tip our hands as to which

areas we are investigating, but I can assure you we will have some excitement before this fiscal year is out.

Here are some of the initiatives we have taken in the past few months. In the travel area, for example, our investigation led to the arrest of a travel agent for fraud, charges against three agents for operating without a licence and the suspension of 15 companies for failing to meet their commitments to the compensation fund.

Concerning dance studios, we have now succeeded in four legal actions, three of which were unsuccessfully appealed by the business involved. A number of large contracts were rescinded by the Commercial Registration Appeals Tribunal, resulting in savings of thousands of dollars to consumers who had been subjected to high pressure sales representations as well as bait-and-switch tactics.

Just two weeks ago we issued a cease-and-desist order to put a stop to an operation which was promoting a Christmas dinner and evening out for senior citizens. Members of the public in Hamilton, St. Catharines and Ottawa were solicited to donate money to the enterprise which held itself out to be a charity. In actual fact it was a profit-making operation which was simultaneously asking local business to buy advertising space in a publication to help defray the costs of the Christmas party. The publicity surrounding these cases has proved to be a highly effective warning to consumers and to the industry itself.

In other actions we have stopped the manufacturer from advertising false fuel savings for a product called Thermojet; we successfully prosecuted an illegal pyramid sales scheme; and we issued a cease-and-desist order against a language school for falsely luring Mexican students to Toronto with the promise of accredited English courses.

The redress we have won for individual consumers in these cases has been significant, but more important is the use of investigative and legal resources to stop unethical practices. I believe our actions will clean up industries like the dance studios. This has incalculable long-term benefits to consumers and businessmen alike.

The business practices division is alerted to these cases by its direct, extensive contact with the public. This year we'll respond to more than 60,000 telephone inquiries and we will process more than 13,500 complaints. We have extended our hours so citizens can now receive service from 7:30 a.m. to 6 p.m. To increase our sensitivity to changes in the marketplace we are establishing stronger out-

reach programs making use of our regional office.

It's more than just responding to complaints after the fact. Where we can, we anticipate potential problems and practice preventive medicine by alerting consumers to areas of thin ice.

Two recent information bulletins—one dealing with mail order ripoffs, the other with home insulation—are good examples of this. One of the greatest challenges we face is keeping up with changes in the marketplace. Products are multiplying in number and complexity, and consumers are more sophisticated and demanding. Markets are increasingly international in scope. We are, therefore, putting more emphasis on monitoring the marketplace.

Finally, we are accelerating our consumer education program. In order to make people aware of their rights and to help them be better consumers, my ministry has been active over the year. Twenty-two booklets are being distributed to over 50,000 people each month. In addition, the ministry has produced a television series and six films. Extensive research has been initiated in northwestern Ontario and North Bay to determine how people get information and how we can improve our efforts.

Already there are more than 350 teachers across Ontario using our materials as part of their consumer education courses. In addition, we will be opening a consumer information centre in January. It will act as a clearing house for consumer information put out by industry, consumer groups and governments, thereby implementing the resource sharing vehicle which grew out of the consumer education conference which this ministry hosted in April of this year.

This centre will initiate programs with consumer educators and with local information resource centres across the province. It will be the flagship. The major shift of emphasis, which I am commencing, is to reach those consumers in Ontario who are most in need; that is those who are vulnerable due to geography, age, language difficulties, disability or low income. To this end, the centre will conduct workshops with groups which reach those who are most disadvantaged.

With this accelerated effort, we will reach an even higher proportion of Ontario consumers, particularly those who need it. This major policy thrust, will be addressed in all our undertakings over the next few years.

These are the five principal ways we are moving towards a more activist ministry; self regulation, voluntary guidelines, restitution, prosecutions and consumer education. They

represent the second form of consumerism I referred to earlier, by which the marketplace is upgraded in the aggregate to benefit the greatest number of consumers.

There are a number of other initiatives I would like to mention before ending my remarks. The condominium study group has conducted a series of well attended public meetings across Ontario. Recommendations are expected shortly which will lead to significant legislative changes next year. That group of consumers, condominium owners, can look forward to greater legislative protection in the near future.

The aluminum wiring inquiry was appointed in April to investigate and report upon the safety and reliability of this product. This inquiry has also held hearings across the province and consumers can expect some much-needed answers to be provided by the commission shortly.

These two inquiries have created a necessary focus for public concerns and they have contributed to greater awareness of these concerns in government, industry, the media and among consumers themselves.

Our energy safety branch this year implemented new regulations on the safe use of fuels and is now working with the Canadian Gas Research Institute towards the development of more efficient furnaces and heaters, again to better protect consumers.

I should add here that our technical standards division is pursuing self-regulation with some of the industries which it regulates, with the goal of providing better consumer protection more efficiently.

The Motor Vehicle Accident Claims Fund has increased its ceiling from \$50,000 to \$100,000. A computerized bookkeeping function has improved our revenue control, while increased fees have encouraged more people to obtain insurance, thus providing more consumer protection.

We have planned an extensive legislative program for the spring. At that time, we intend to introduce and have passed, finally, the new Securities Act, amendments to the Business Corporations Act, and a new Commodity Futures Act.

The Securities Act, as pointed out in my statement last Friday, is legislation which will expand the requirements for timely and continuous disclosure. It will also prohibit tipping and expand civil liability rules for those who abuse positions of trust. The new legislation also highlights the less publicized side of our ministry's work, namely facilitating greater efficiency in the corporate world. For the next 10 years, Canada's capital requirements will be staggering, especially in the energy field. To meet these needs, we must ensure our

capital markets are as fair and efficient as possible.

Finally, our rent review program, which was extended earlier this year, is currently operating in an efficient and effective manner. The guideline of eight per cent has been reduced to six per cent in keeping with the wage guidelines imposed by the AIB. Plans are under way to develop a permanent and comprehensive package of tenant protection legislation for implementation by January 1, 1979, when the current rent review program expires. A report scheduled for this spring will be published as a green paper for broad public debate.

Mr. Chairman, this review of our plans and initiatives is very incomplete. However, I hope it will give you an idea of the direction we have chosen to take. A more efficient and activist ministry is our common objective. I believe we are progressing quickly towards that goal. We are aggressive and inventive. I look forward to exchanging views with my colleagues on these ideas, concerns and initiatives. You will find us interested, open and attentive. Thank you.

Mr. Blundy: Mr. Chairman, I have listened to the statement by the hon. minister with great interest and there are some matters on which I would like to comment. We find ourselves in somewhat the same position. The minister is presenting his estimates for the first time and I, as the spokesman for the official opposition, will be speaking to those estimates for the first time as well. However, I'm sure we want to show every co-operation to the minister to carry out some of the very admirable items he has included in his initial statement. We hope from time to time I will be able to remind the minister of some of the things he said today in his initial statement.

The new minister, I think, is showing a bit more promise and perhaps a little better grasp of his ministry thus far than the former Minister of Consumer and Commercial Relations, his predecessor, Mr. Handleman. Mr. Handleman, I understand, is a man who believes in majority government, namely a Conservative majority government—

Mr. Ruston: They can forget it though; they're going down the drain next time out.
[5:00]

Mr. Blundy: —a government which is able to govern with a minimum of input from the opposition parties. We are hopeful that we are going to be able to increase that input in the business before the government as we go along.

Mr. Handleman was unhappy with the rent review program under his jurisdiction when

he was the minister. He didn't do very much to reassure the people of Ontario, the tenants of Ontario, that the program would continue.

Mr. Haggerty: He wouldn't continue as minister.

Mr. Blundy: That's right. Mr. Handleman found himself the Minister of Consumer and Commercial Relations in a minority government, a position he must have found personally frustrating; so much so that he decided to throw in the sponge.

Mr. Haggerty: The minister is smiling at that one.

Mr. Blundy: However, the new minister has continued the rent control program at the six per cent basis of increase as suggested by the official opposition last April. You know what happened to it then, and what happened to them then.

I have to commend the new minister for having taken the action he has in continuing the rent review program. I have to commend him for the action he has taken in the income tax rebate discounters situation. His predecessor said they couldn't do anything about it, that it was a federal matter; however, something has been done about it, and I know that the consumers of Ontario will be better protected because of it.

I am very happy to note that the minister will be bringing in amendments to the Securities Act. I believe this legislation is long overdue; many things within the securities legislation do need amending.

I would like to make particular reference to section 90(2) of the proposed bill covering take-over bids. I believe the Select Committee on Company Law talked in 1975 about some of these proposed amendments that hopefully, will rectify some of the situations. Here it is the end of 1977; it is time that legislation was dealt with; I would be very happy to discuss that matter when the amendments are introduced in the new session.

The Ministry of Consumer and Commercial Relations is a very diverse ministry. It's a sort of an umbrella ministry handling many things to do with the people of the province of Ontario in all walks of life and at all levels of income. Even though the minister is laying out in his opening statement the many programs he is initiating, to further consumer education in Ontario, I don't believe this is going far enough. The majority of people in Ontario, and particularly those people in the lower income groups who perhaps are most in need of protection under these Acts, have no knowledge of them.

You will recall the recent write-up in the paper about the Business Practices Act, saying how few people know about it, know what it involves and how it protects them. I think the ministry should be going out to bring these things to the attention of the people of Ontario in the media that they most see. Many people don't read the papers; most people don't read pamphlets which are handed out; but you know as well as I do when a provincial election is coming up all kinds of little goodies in the way of consumer protection, et cetera are put over the television at that particular time. Now I wonder, is it for the protection of the consumers; or is it for the re-election of the government in power?

Hon. Mr. Grossman: I am thinking of the federal election that is coming.

Mr. Haggerty: Oh, propaganda.

Mr. Blundy: This is the sort of thing that gets to the people more readily. Most people, unfortunately, do not read what is written in detail, in magazines and newspapers, but they do see this sort of thing. This can be very helpful in bringing to many people in the province knowledge they don't already have about the Consumer Protection Act.

I was interested to note in the minister's statement his comments about HUDAC and the Ontario New Home Warranties Plan Act. I believe when we hand over the control of legislation more or less to an independent group like this, we should have more frequent reviews of the work they are doing. Reviews to tell us: how many places have been inspected; how many builders have been rejected; how many home buyers have not only been talked to but have really gained back something on the problems they have had; and how many had conditions in their faulty homes rectified?

In my riding we have a subdivision which is known officially as Cardiff Acres. Because of the vitality of the Sarnia area, builders came in from all over the province, including areas where building was not quite so healthy. I must admit, most of them built before the Ontario New Home Warranties Plan Act came into force January 1. They have fled now. They have gone bankrupt. They have left the country and I, as the member for that riding, have a thick file.

I will tell you, in one house in Cardiff Acres, two big teenage boys ran into the kitchen and attacked the refrigerator at the same time. It fell through the floor into the basement along with the two boys. There are other places where the people have gone

into the attic and found there is no insulation and so forth.

Now, as I said before, I admit most of these homes in this particular subdivision were built before this Act came into force. Building is still going on at quite a rapid pace in the Sarnia area. I know personally some of the people who are involved in HUDAC in our area and most of them are very highly responsible people. I am looking for great improvements in this area which has been causing so much of a problem in the past several years.

There is another matter I would like to mention to you, Mr. Chairman, and this is a matter of new cars, used cars and owner protection. I have a pet theory: there should be something done in the province of Ontario so consumers have a record of automobiles. This is done in some European countries. When a new car is sold initially a booklet goes with it, a passport if you like, and everything that happens to that car, every time it has any major servicing or repairs, is entered in the book. It's amazing how many cars can grow 20,000 miles younger overnight in Ontario at the present time. It does happen in spite of many Acts and legislation to prevent it. After these cars have gone through their many owners, most are abandoned.

Abandonment of cars is becoming more and more prevalent in Ontario, and I'll tell you why: Cars have less and less valuable recyclable materials in them. There are more and more pounds of plastic and rubber going into the building of cars now. Thank God there is, because it is all made in my riding, and it's a great thing for us. The plastic is made there, the rubber is made there; but this is reducing the recyclable content of the cars.

At the same time, the people in Ontario who are in the business of picking up the cars which are blotting our landscape, the backyards of our homes and down the back concession roads, have to pay more and more in the way of wages and salaries to their employees. They are paying twice as much for the trucks that carry these abandoned cars to Hamilton for recycling, and at the same time, they are getting 30 to 40 per cent less for those abandoned cars. I believe the province of Ontario and the government of Ontario should take some leadership in this matter and create some incentives for the recycling of these automobile bodies which are becoming so prevalent.

We should have more leadership from the province in protecting automobile owners.

You will recall the rusty Ford owners association which finally got together in desperation and took class action on their own behalf. This, I think, has had one good effect; the companies have put greater emphasis on anti-rust measures in their automobiles.

But these people are put to great trouble and expense to try to protect themselves, because nobody else is doing it for them. I suggest, Mr. Chairman, to the minister to truly protect the consumers of Ontario he should be looking at this sort of protection.

While I am speaking about car owners and so forth, I would like to mention the matter of compulsory automobile insurance. Everybody says everyone should have insurance. We certainly want everybody to have insurance. Public liability and property damage insurance by the automobile owner is just as important as having a driver's licence. I know the Select Committee on Company Law has supported compulsory automobile insurance in principle, but has referred the matter to staff to investigate the technicalities.

I note my colleague, Mr. Nixon, has introduced a private member's bill to require compulsory automobile insurance. I would like to draw to the minister's attention these things that have gone on in the demand for compulsory automobile insurance. I am not talking about government insurance, I am talking about insurance provided by the well-established insurance dealers of this province but made compulsory for anyone who is driving.

[5:15]

Another item that I would like to touch on briefly and draw to the minister's attention is the censorship Act as it has to do with movies, and particularly the advertising for movies. The basis of the existing censorship is much too broad, particularly in advertising. I am aware of one drive-in theatre where the advertising they put in the paper about their coming movies is much more dramatic and much more shocking than the actual movie itself. But it brings out the people. This is really not protecting the consumer, in my opinion, and I believe greater emphasis should be placed on this sort of thing, particularly for movies directed toward violence.

The views of the mayor of Toronto on the movie called *Snuff*, have been written up considerably. Great violence was shown in this movie, most of it directed to women. There has been great support for the view expressed by Crombie recently in this matter.

I believe we should look at censorship, with a view to trying to curtail some of this advertising particularly, and hopefully in this way doing away with some of the violence currently being shown in the theatres and the drive-in theatres throughout the province.

Hon. Mr. Grossman: Do you go to the drive-ins often, Paul? Do you go to the drive-ins often in Samia?

Mr. Blundy: No, I don't go to drive-ins very often, but I do read the papers and I see the ads. Then I talk to those who have gone. Sometimes the movies shown at the drive-in don't seem to bear very much relationship to the ads I see in the paper to get the people to come.

The minister's opening statement put great stock on the number of inquiries he has had and the number of complaints he has processed. I'm very happy to see those numbers there, but I want to hearken back to what I said earlier. I believe there is a large segment of our population who are really not benefiting from the increased education he is trying to undertake. I can't stress too fully that he really has to try to advertise in such a way that it will get into the homes of all segments of our community.

I think television, of course, is very good in that respect. The amount of consumer education in the schools, in my opinion, is questionable. I haven't been to school for a long time, so I can't say from personal experience, but I have a wife and a daughter who teach school. I have discussed this with them and they feel it's very limited and that a great deal more could be done to teach students, particularly in high schools, consumer law, what consumer rights are and how they fit into everyday life.

On the condominium study group, we are looking forward very much to the Kealey report that will be coming in. This is an area that has a great need of amended legislation.

The aluminum wiring inquiry, I think, is a bit of a joke in some respects. I have been approached by people who have appeared before the various hearings of the aluminum wiring inquiry committee and they feel they have not been able to impress the people, even though they documented personal experiences and problems they have had with aluminum wiring. Many of these people are beginning to think that nothing good is going to come of this inquiry.

Mr. Chairman, I really appeal to the minister that we do get a good report from that inquiry and that it be acted upon. These people are fearful that this will not take place.

I urge you to take action on the report as soon as it comes in.

Those are largely the remarks I want to make in my initial reply to the minister's remarks. I know we will have many opportunities over the next several weeks to discuss specific items under each vote and I will look forward to getting more information and hopefully giving some input as we go along in the vote.

Mr. Davison: Mr. Chairman, it gives me some pleasure indeed to rise and engage in the great ritual and tradition of the opening statement, where we watch the minister and hear the minister echo sentiments and words of his predecessor. In fact, in hearing and reading the minister's statement I felt for a moment, with some exceptions, I was reading a Sidney Handleman speech.

Mr. Foulds: A short, thin Sidney Handleman, that is all he is.

Mr. Samis: So much for his image.

Mr. Davison: There were some notable exceptions, I must say, one of which I found on page 10. The dear former minister never would have said something like the second paragraph on page 10 wherein the current minister says, "Self regulation requires continued presence of government to ensure that the public's interest is being served. It requires industries with a sense of social responsibility."

The previous minister knew all about Inco and he would have had a great deal less faith and would have been a little more reticent about saying something like that. So there are, indeed, some differences. But essentially, the ministerial remarks in the opening statement serve to say basically how pleasant we are in the ministry; we are pretty good guys and we have some pretty wonderful legislation coming forward.

Mr. Foulds: Too bad you don't have anyone to back you up now.

Mr. Samis: Two Tories in the House.

Mr. Davison: That's right.

Hon. Mr. Grossman: I don't need it.

Mr. Davison: The opposition critics try fairly hard in their opening statements, traditionally, to find something nice to say about the ministry, something nice to say about the minister. But only six days ago, Mr. Chairman, we debated the income tax discounters legislation and I went on at some length about how nice the minister was and what a nice job he had done on that.

Hon. Mr. Grossman: Don't stop now.

Mr. Davison: So having commended you, Mr. Grossman, I will proceed to condemn you

today in the finest tradition of an opposition member's opening statement.

As tradition goes, Mr. Chairman, we in the opposition go on to outline some of the general problems faced in the ministry, which we will be addressing when we come to the vote-by-vote debate. In that sense, I would like to associate myself with about 79 per cent of the remarks made by the Liberal critic. Some of them, I am afraid, I just can't touch.

As things change relatively slowly, if they change at all with this government, the opposition's statements tend to be very much like the minister's statement; rather an echo of past remarks. Not wanting to break with tradition, because I realize how important it is in the House, I would like to make some remarks and Mr. Chairman, if I stray too far from the historical guidelines, I trust you will bring it to my attention.

I feel compelled in dealing with the Ministry of Consumer and Commercial Relations estimates, to make some remarks on the degree of diversity in the responsibilities of this minister. I would like to thank the minister for the excellent briefing book I received—the big red book.

An hon. member: It is worth about \$20.

Mr. Davison: It is worth a great deal more, actually.

There are some elements in the big red book that show fairly clearly, in a rather concise way, the diversity within the ministry. I would like to take my colleagues on a tour, if I might, of the minister's fiefdom. Let us consider, for example, the ministry administration. You guys have really got it all together; unfortunately, you have it all together in three or four different buildings, so I am not quite sure how the act keeps going. You've got part of the ministry administration at 555 Yonge Street; you've got part of it at 400 University Avenue; you've got part of it at 1 St. Clair Avenue West—I hope you've got part of it in the Legislative Assembly—and the rest of it is in the minister's car.

We then find tucked away on 555 Yonge Street, the Ontario Securities Commission. Well not to worry, I'm not sure that any of us really understand what those guys are doing. That's especially true of Malartic Hygrade Gold Mines, who write to us on a weekly basis to quiz us about just what those characters are doing.

We move along to—oh yes, commercial standards are still with pensions commissions down at 8 York Street. I really think some days the prime responsibility of the com-

mission is to frustrate the devil out of pensioners in my riding when they try to find out something about their pensions. I have thick files composed exclusively of correspondence between pensioner constituents of mine and the commission.

Then we have one of my favourites, the financial institutions division. They are at 555 Yonge, 950 Yonge, and 400 University Avenue. This is where we deal with the biggies of the finance community and the finance world; like the insurance companies, the credit unions and indeed the cemeteries. I'm not quite sure how we fitted them in. However, there is, I am assured, some guy in some office dealing with the cemeteries under financial institutions.

The guys in the business practices division are at 555 Yonge Street and 1 St. Clair Avenue West. Their prime accomplishment, as far as I can tell in the overview, is hiding from consumers the provisions under, and indeed the existence of, the Business Practices Act. We've got a pretty good piece of legislation in the Business Practices Act, but these guys seem to be engaged in a process of keeping it a virtual secret from the consumers.

Well we move along to technical standards. We have a lot of diversity there, everything from pressure vessels to elevating devices.

Public entertainment standards, including the Ontario Racing Commission—which currently serves, as far as I can tell, as the second to final resting place of one Charles MacNaughton, who was a well known figure about the House—is up on Millwood Road. Also located there, is the theatres branch. Those are the characters who view those films about which my colleague from Sarnia was so concerned. They see what kind of a relationship, for example, Snow White is having with the Seven Dwarfs in the latest Walt Disney movie. We'll have more to say about those characters, I am sure.

The lotteries branch is included there as well. Then there is what I think is probably the finest example of decentralization in the ministry. This occurs under property rights where we have the provincial property registrar and his unit. It is the head office. I guess, for lack of a better word, and it is situated at 400 University Avenue. We then have regional property registration branch number one, situated of all places at 400 University Avenue. However, to make up for that, regional property registration branch number two, to show the diversity, is situated at 100 Queen Street West. Indeed,

sometimes Metro forms the boundaries of ministries.

[5:30]

The Registrar General is in the Macdonald Block. Those are the guys in charge of hyphens; and they can use them, in many cases, in their names.

The Liquor Licence Board, they're down on the Lakeshore; and of course with those people we also have the Liquor Licence Appeal Tribunal, which is the current abode of one John Yaremko, another former figure around these halls.

We seem to have a lot of elements in the Ministry of Consumer and Commercial Relations to provide jobs for former cabinet ministers.

I would mention the LCBO, which supposedly reports through the minister, but since they form essentially an independent kingdom I feel somewhat at a loss on what I can say, because we really don't seem to be provided with a great deal of information about them.

The other great private organization, or separate organization within the ministry, is the rent review group, which is located all over the province.

That's a brief tour of the ministry. Those are the areas we're going to be discussing as the estimates go along.

Mr. Foulds: Why don't you visit them all, Larry, like Frank Drea with his ministry?

Mr. Davison: It indeed does show that the ministry is diversified.

There really is, I think, a need, Mr. Minister for reorganization; not just of your ministry but of the entire government. You have several components in your ministry that have nothing to do with what should be your prime function, which is consumer protection.

It strikes me that we could get on with the job a lot better if we got rid of some of the commerce-related aspects of your ministry, to one of your good friends like Hon. Claude Bennett in Industry and Tourism. Then we could take a look at the other ministers and the other ministries, and I suspect that we would find in ministries like Agriculture and Food, Health, Energy and Housing certain elements that dealt pretty exclusively with the consumer. Those elements then and those in other ministries of the government could be transferred and put under your responsibility so that within one ministry we would have all the consumer-oriented legislation and we could deal with it in that sense.

You wouldn't then find yourself in the position of your colleague, the Minister of Labour (B. Stephenson) who has the same problem. She can't really take the side of labour, she can't really take the side of management, so she places herself firmly in between them, on the fence. You, sir, by the nature of your ministry, have a similar problem. How can you really act to protect the consumer when you have responsibility for some of these other pieces of legislation?

The test of this ministry is and always will be found in the response to two questions: One, does the ministry by word and deed protect consumers? Two, do consumers know what the ministry is doing?

Mr. Warner: No, no.

Mr. Davison: My experience today and obviously the experience of my colleague from Scarborough-Ellesmere is no.

Mr. Samis: Totally and entirely so.

Mr. Davison: That's right, the ministry isn't by word and deed protecting the consumers of Ontario and the consumers don't have the foggiest idea what it is you're doing.

Mr. Warner: They need protection from the minister.

Mr. Davison: Yes. I've really had an awful lot of correspondence from constituents and from other people in the province about the ministry. They ask essentially: "What are these guys doing? Who are they? What are they up to?" I was reading a group of clippings a few nights ago. I was reading some press clippings and I found an article from the September 30 edition of the Niagara Falls Review. A fine paper.

Mr. Samis: Vince's favourite.

Mr. Davison: Yes, and it appears over the signature of one Colleen Brazeau. I'd like to read it to you, Mr. Minister. I don't know how it passed your attention. By the way, in your absence, I did of course respond on your behalf to the paper. I'll read you my reply later.

Mr. Warner: Thoughtful, wasn't he?

Hon. Mr. Grossman: I'm going to send you my mail.

Mr. Samis: He'll send you a brown paper envelope.

Mr. Davison: "The Editor:

"Of what value is the Ministry of Consumer and Commercial Relations if it has no real authority?"

Mr. Warner: Toothless.

Mr. Davison: "How many of us are aware of its limitations until we are unfortunate

enough to require its services? Let me cite you an example.

"We engaged a local firm to dig and pour the foundation for our home. Our basement was flooded from day one. We contacted the ministry which stated that the contractor must return to work and repair his faulty work. He refused. The ministry tells us that it has the power to order him to return, but if he doesn't the department can take no further steps.

"If the ministry does not have the authority to make businesses comply with their instructions, then what protection does the consumer receive? I would be extremely interested to learn the number of our tax dollars that are poured into a branch of provincial government that is nothing more than a shadow of what we are led to believe it is."

It goes back to the point I was making that perhaps, Mr. Minister, it's a good thing for your ministry the people of Ontario really don't understand what you're doing, because it seems when they find out they don't like it.

As I mentioned, I watched the paper for your response. You somehow missed it, so on your behalf, did reply.

"Dear Mr. Editor:

"I have just read a letter to the editor in your paper of September 30, 1977, entitled 'Ministry is Toothless'—That was the title, 'Ministry is Toothless.'"

Mr. Warner: Nothing personal.

Mr. Davison: That's right. Is it true through OHIP we can get your dental records?

Hon. Mr. Grossman: Not mine.

Mr. Foulds: Only if he's been hospitalized for the work.

Mr. Warner: Just ask the Mounties.

Mr. Davison: To continue:—"in which Colleen Brazeau expressed her concern as to the value of the Ministry of Consumer and Commercial Relations, I must say that I concur with her assessment of the ministry in many respects.

"The central problem is the ministry's reliance on moral suasion rather than law as a means of dealing with those who have abridged the rights of consumers. It reflects the government's lack of commitment to consumer protection. It in fact seems that the real function of the ministry is public relations."

Mr. Foulds: Doesn't even do that well.

Mr. Davison: "I can be of assistance to Ms. Brazeau in regard to the number of our tax

dollars that are poured into this branch of government. In the fiscal year 1977-78 the ministry will spend \$78,913,000. I have no doubt that the report of a cost-benefit analysis would take on a surrealistic quality. However, may I say to Ms. Brazeau that I would consider the expenditure more than totally justified if the Ministry of Consumer and Commercial Relations performed the functions we are led to believe it does."

So, I hope, Mr. Minister, you'll accept that in the absence of your own reply as a reasonable, impartial judge of the situation.

Mr. Warner: Entirely objective.

Mr. Davison: I've been concerned. I've shared this concern with you privately and publicly and I'd like to share it with you again.

Could you tell me how consumers in Ontario can have any faith in or any understanding of your ministry if you won't file an annual report like almost every other ministry in this province?

I've raised this with you privately. I've raised it in the House. On October 24, I introduced a private member's bill, Bill 75, which as I'm number 80 in the lottery will be debated sometime around 1987.

Hon. Mr. Grossman: You won't be here then.

Mr. Foulds: You won't be either.

Mr. Davison: I hope I'm not. If I am here, I hope I'm not still asking for the report.

Mr. Foulds: Your son may be here, but not you.

Hon. Mr. Grossman: We're pretty good that way.

Mr. Warner: You'll be out grinding coffee beans.

Mr. Davison: I think it's rather ironic that the one ministry most directly affecting consumers, or supposedly most directly affecting consumers, is one of the few that doesn't file an annual report. I think my bill is important because it will give that report to the members of the House and, through the members of the House, to the public.

I would ask the minister today, because my bill won't be debated until 1987 could you please take it upon yourself? It's a very simple change in the legislation: It requires one paragraph to be changed in the Act that set up your ministry. I promise not even to enter the debate if you bring that in. I would blindly vote for it.

Hon. Mr. Grossman: So what else is new?

Mr. Warner: Get that off the record.

Mr. Davison: No, I have the paragraph written down.

Mr. Samis: He's so desperate he's making offers.

Mr. Warner: Add, "... in a like manner to the minister."

Mr. Davison: Yes. I put that to you. I don't mean to spend a lot of time on it, because I'm really out of order: It is a bill waiting debate in the House, but why couldn't you do that? It's not a big deal. Failing that, what is to stop you from producing a report on your own? Just because the legislation doesn't force you to tell consumers what you're doing is no reason you can't. I would like to see either an amendment from the ministry, or a report.

I've been concerned for some time about the element of secrecy that surrounds the rent review program in Ontario. I have a suspicion that if consumers in Ontario find the Ministry of Consumer and Commercial Relations to be something less than totally open they find the rent review program to be absolutely top secret. I think people in Ontario know more about the Soviet KGB than they know about the rent review program.

This was a topic of lengthy debate in the last estimates. My colleague from Riverdale (Mr. Renwick), who unfortunately can't be with us today to put the argument again, put it so well back in the last estimates. With your kind permission, Mr. Chairman, I'd like to read a few of his remarks, because I very much respect his opinion in these matters.

He was responding to the minister's total refusal to make public this document—the manual for officers of the rent review. The minister said that we were dealing with a quasi-judicial body, therefore it wouldn't be right for the members of the Legislature to be interfering. My colleague from Riverdale said at the time:

"I can only analogize it to the court system, since you have raised the fact that it is a judicial process. I never understood what quasi-judicial meant. In fact, it is a judicial process. Decisions are being made which affect the relative rights of persons as owners and tenants of property."

He went on to say, comparing it to a court:

"The rules of court are obviously available to anybody who wants to labour through them. The whole of the procedural question relates to the substance of what is before those boards. It is a relatively ancient saying, without being legalistic about it, that the substance of the law is usually found in the procedures which are followed. If you don't know the procedures and if you don't know the rules that are being played and the matters which are being determined, then

you are not likely to get the substance of the justice of what is required." He spoke about it at some length on May 11, 1976. I would read into the record one or two more paragraphs:

[5:45]

"All I am saying is that it does seem to me that if the judicial process of rent review is to be analogous to the court proceedings, the rent review officer sits in the position of judge, the players know what the rules are and it's the contest between the players in accordance with the rules that leads to the resolution of the problem by the rent review officer. The rent officer is not established as some kind of person who in some mysterious way by consulting some crystal ball of arcane manuals makes the decision."

Finally, in the last sentence, he said: "Make the rules public so that the administration can become regularized, so that people aren't operating in the dark, with a view to both dispelling the concern which is around about the administration and also to take it out in the open and perhaps solve an immense number of problems in the future with respect to the actual administration of the rent review program."

If I might, I would like to associate myself wholeheartedly with the remarks made by my colleague from Riverdale on that day because they hit the nail on the head. The public has a right to know what the rules are. You can't operate that kind of program and keep it in the dark.

If the procedures are changed through action by the minister and the manual is made public, we are going to have another problem. A number of months ago I requested this manual which I have on my desk today. After some lengthy argument with various officials in your ministry, I was able to get a copy on the condition that I return it by the end of 1977.

I want to raise some questions with you. I don't want to sound accusative and I don't want you to take my remarks as accusative about the former minister, about you or any of your senior staff.

Hon. Mr. Grossman: Be careful.

Mr. Davison: There are some questions raised by the document I received, which is purported to be the rent review procedures manual. I have gone through it at some length and I am willing to let you have this copy so that you can take a look at it. I would like to know what happened to tabs 6 and 7 in this book, which supposedly deals with the legal and the records management program. In my copy of the manual, it only

goes up to tab 5, which is appeals. A substantial portion of the manual just isn't here. What was given to me as the manual just isn't here. The glossary isn't included. I would like to know why.

I feel a bit suspicious about the fact that the two tabs that were deleted from my book are the two tabs for which no table of contents is listed. If it had been one of the other tabs that had been removed from my copy, then I would have at least known what was in it and perhaps I could have calmed my suspicious nature and I wouldn't have to be raising this with you now.

Consider this fact. I have in my copy of the manual, section 1, which deals with administration. I have document RR0101-02, which is the concluding page of that section. My copy of the manual* then jumps to RR0103-01. What happened to the organizational charts that are supposed to be in this document? What happened to document RR0102, it just isn't here? You will have to forgive me if that makes me a bit suspicious. I could continue for a long time, I suspect. What happened to document RR0103-08? I have got 7 and I have got 9, but I don't have 8.

And finally, on this manual, I'd like to know from you, Mr. Minister—and if you don't know I'd like you to find out before we get to the rent review section—after the manual was originally given to my colleague the member for Ottawa Centre (Mr. Cassidy), what bulletins, what memos or what anything that don't appear in what I was told was the manual were added for the consideration of the officers?

I am sorry if I sound a bit suspicious of your ministry. I don't mean to impute motives, but I would like to know before we get into the rent review discussion towards the end of the estimates exactly why I have got an incomplete manual.

So keep those two things in mind, please. One, why on earth can't the people of Ontario see this red book? What's so secret about it? Why can't they be privy to the rules before they play the game? Two, when you purport to give somebody a copy of it, would you please make sure it's all there?

There are a couple of other matters I would like to raise in an opening statement because they really don't fall under any of the votes.

I got a letter, dated October 31, 1977, which was a copy of a letter to you from a Toronto alderman's office. If I may, I would like to read this letter into the record. I have taken precautions to delete references which I feel might identify the people involved. The minister does, I know, have a copy of

this letter in his files so he can go and refresh his memory in terms of the exact details. I think it is something I would like to read into the record of this debate.

"Dear Mr. Grossman:

"I would like to bring to your attention the plight of a small businessman located in the — retail area. His problems are shared by hundreds of other independent retailers who are being driven out of business, not by large chain competitors, but by unscrupulous landlords.

"Mr. and Mrs. — have operated a small variety store for many years at Such-and-such street. On July 31, 1977, they were paying \$340 per month, including taxes and utilities, for an unrenovated 1,000 square-foot premise.

"On August 1, 1977, they received a \$40 per month increase to \$380 per month. In September, the property changed hands and their rent was increased to \$1,200 per month. This was then written down by the new landlord to \$1,000 per month, plus 25 per cent of the property taxes, plus utilities. In October, the landlord again reduced his asking price to \$850 per month, plus 25 per cent of property taxes, plus utilities.

"In addition, the landlord has presented Mr. and Mrs. — with a lease which is so restrictive that their lawyer has counselled them not to sign. As a result, they will be forced out of business.

"Currently there is no provincial legislation which offers protection for small business tenants. Is your ministry considering or is it prepared to consider legislation that will protect small business tenants against excessive rent increases and prejudicial lease agreements?

"I would appreciate hearing from you at your earliest convenience."

I don't know how you have responded to them, Mr. Minister, but I will tell you this isn't a new issue.

Mr. Chairman: I wonder if I could just interrupt the member—

Mr. Davison: I'm sure you could, Mr. Chairman.

Mr. Chairman: —to inform the House that we have a guest, the Right Hon. the Prime Minister of Canada.

[Applause]

Mr. Davison: I realize we're approaching the bewitching hour. This isn't a new problem, Mr. Minister. This isn't something that popped up on October 31, 1977, or August 1, 1977. I raised this problem with the Minister of Housing as long ago as October 30, 1975.

The minister was John Rhodes, still the current Minister of Housing. I asked him in the House, "Does the proposed rent review legislation apply to all rental premises—specifically, small businesses, commercial and industrial premises—and if not, why not?" The minister in his usual fashion managed not to answer the question and then finally answered it by bringing in legislation which didn't protect small businessmen.

In November of the same year I raised with him the case of Mr. George Fenton, who was operating a store at 181 Church Street in Oakville that was owned by the town council. He had an increase in his rent of 60 per cent. It put him out of business.

I had a number of cases and I have had a number of cases come into my riding office. The smallest complaint I've had from a small businessman in my riding in terms of a rent increase was for 100 per cent. They're not coming in and bitching about 12 per cent or 34 per cent or 16 per cent or six per cent—100 per cent was the smallest complaint. I had a large number of complaints. It's a serious problem.

I tried again, in my own way, to use the rules of the House to bring forward a private member's resolution, because we're not allowed to spend money in a private member's bill.

Shall I continue, Mr. Chairman?

Mr. Chairman: You still have two or three minutes left.

Mr. Davison: Okay. I can probably deal with it in that time.

In June 1976 I placed on the order paper the following resolution: "That in the opinion of this House the government should introduce legislation to provide rent control for small business commercial and industrial premises." I did a survey of my riding just before that in which I asked my constituents what they thought about the need for that kind of legislation. Eighty per cent of my constituents favoured that kind of legislation. Eighty per cent. We still didn't get it from the government.

The gouging of those landlords had and still has two bad effects which the minister should know about. One is if the businessman stays in business the cost of paying excessive rent to the gouger is passed along directly to the very consumers he purportedly is protecting in increased prices. The second effect is if the businessman doesn't do it he goes out of business, and another small businessman bites the dust in Ontario.

I would say to the minister there is need. When we're restricting wage increases in this country to six per cent, when we're restricting rent increases to six per cent, and when we have such a regulated economy there is need for action in this area. I would ask him to take a look at it. I know his colleague wasn't very interested in it but perhaps the minister could show some interest and protect consumers in that area.

There are two very brief things I wish to raise, but I am afraid they will take five or 10 minutes.

The House recessed at 6 p.m.

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No. 63

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First Session, 31st Parliament

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Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



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LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 28, 1977

The House resumed at 8 p.m.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

(continued)

Mr. Chairman: Would the member for Hamilton Centre want to continue?

Mr. Davison: The member for Hamilton Centre would love to continue. You have to understand, Mr. Chairman, some small number of our colleagues are in committee, dealing with the Ombudsman.

Hon. Mr. Grossman: I'd like to go down there.

Mr. Davison: Yes, I was just thinking about that myself.

Hon. Mr. Grossman: He's glad you and I are here.

Mr. Davison: It's probably the safest place to be at this point.

When I left off at the commencement of the dinner hour, I told you, Mr. Chairman, I had only two more points to raise and they were brief ones. I'll now proceed with them.

I ran across a rather intriguing article in the Toronto Star on October 28 of this year and I'm curious about the issue. If possible I'd like to raise it with you later in the estimates, under the appropriate vote. But perhaps I could read the article to you and then you could tell me if you will be able to provide me with more information on it, so we can discuss the issue intelligently.

The article is entitled, "Inspector Charged With Fraud," and reads, in four or five paragraphs, as follows: "An inspector with the Ministry of Consumer and Commercial Relations was charged yesterday with attempting to defraud the ministry of \$9,000.

Police said he is the fourth to be arrested for involvement in trying to collect the money from the ministry's travel compensation fund.

Police said a phoney receipt for the amount was issued as reimbursement for a trip said to have been booked through the now defunct Information and Travel Centre on Danforth Avenue in Scarborough last July.

Investigators say the trip was not booked.

The travel compensation fund was set up several years ago with fees from travel agen-

cies to protect travellers in the event an agency went bankrupt.

Charged with conspiracy to commit fraud is Victor Jack Debenham, 51, of RR4, Acton. Already charged were Mari Malinski, 49, of Wanstead Avenue, Scarborough and Harry Howarth Snape, 50, and Frederick Thomas Whiting, 43, of Pickering."

I'm curious, Mr. Minister. The article isn't quite clear. Are the other three people also employees, or were they also employees of the ministry? It wasn't a ring within the ministry?

Okay, you've answered one of my questions.

Is it possible for you to expand a little bit perhaps on what is in the article? Because it's not quite clear how an employee in your ministry was able to defraud the fund. I don't quite understand how that would work and I would appreciate some explanation.

Perhaps you could make some comments on any changes you've made in your ministry to ensure this kind of thing doesn't happen in the future. It doesn't strike me that the Travel Centre being defunct really would solve the problem from my understanding of what's in the article.

Finally, I assume the appropriate section for this item would be the business practices section which deals with the Travel Industry Act. Is that correct? Is the minister nodding his head yes?

Mr. Worton: Perhaps we'd better just switch to a back room and have a little session by ourselves.

Mr. Davison: I understand there's an overfull committee room downstairs. Perhaps we could switch with them.

My understanding of the budgetary procedure of your ministry is that, first, the various components that make up the ministry set some kind of budget, hack it about for a while and then send it forward. Then there's some kind of internal general ministry review that can adjust the budgets for the estimates internally. They then go on to Management Board which is free to wield the axe on the budget, as they often do. Then they finally come to the Legislature, where we do what we do so well, which is something that totally escapes me.

Is that essentially correct? If so, I'd like to know from you not really how much money was cut out of what components of the ministry at what point, but rather what old or new or possible programs were lost in the budget-cutting process. More important, were any proposed initiatives of the ministry lost in that process? All that is against the background that you're probably the greatest money maker the government has in terms of—

Hon. Mr. Grossman: Thank you.

Mr. Davison: —what you get for what you spend. I would like to know very much if you find that new initiatives have had to be stood down for a year or two of financial considerations and, if so, what initiatives.

Also, I would raise with you very briefly a concern arising from the briefing book. That concern is with the table entitled "Increases to the 1976-77 Printed Estimates." My reading of that table—correct me if I'm wrong—is that there was an increase of \$10,715,000, which was offset by an almost equal decrease in the rent review program. Is that correct? No? Is it \$10 million?

Mr. Chairman: Would the member continue and I think these questions can be answered after.

Mr. Davison: I would like to have from the minister some clarification of four of the seven areas that are outlined as being responsible for that increase.

One, item one, "claim on salary contingency fund." I'd like to know what the fund is and what is that process that cost us by my reading some \$6.3 million.

The others are numbers four and five "work load" and "inflation," which were also hefty amounts. Does that mean your ministry doesn't take into account inflationary trends as projected by the Treasurer (Mr. McKeough) for a given year, or was there simply an underestimate somewhere along the way?

Does "work load" mean there was too much to be done within the ministry by the people you had and you had to pay some of them to work overtime or had you to go out and contract for a few people to finish up some work?

"Merit increases, 1977-78." Are those, again, things that are not taken into account when the budget is set?

Perhaps you could expand on those so we would have some greater idea of what it was that caused the increases.

Finally, if I could put forward an uncalled for observation—probably a totally unappreciated observation—it strikes me, Mr.

Minister, you've said to the consumers of Ontario that with your appointment there will be a new understanding, a new appreciation of consumer protection in the province of Ontario. What we always had before in Ontario, from your ministry and from your government, was no talk and no action. That's one thing. But are we going to get from you a lot of talk and no action? That's something else.

A lot of what you've said appeals to members over here. A lot of what you've said will be supported by members over here if you go ahead and do it. But it's one thing for a minister of the Crown to say nothing and do nothing because you've raised no expectations; we understand when we get no action. But a minister who says to the consumers of Ontario: "Action there will be," and doesn't follow through, that's something totally different.

I want the minister to understand, and if I speak only for myself, so be it, that I appreciate the commitment to action you've made. I congratulate you for it, but we're going to be watching very carefully to make sure it isn't a hollow commitment, an empty commitment, like so many commitments we've seen from that side of the House.

Hon. Mr. Grossman: I'd like to take a few moments to reply to so many matters referred to by both members, the member for Sarnia (Mr. Blundy) and the member for Hamilton Centre. They are matters which will be properly discussed in detail under the appropriate votes. I would like to deal for a few moments with some of the remarks of a more general nature.

The member for Sarnia talked about the need for further consumer information. He suggested we don't go far enough and that most people have no knowledge of the Act. This was referring to the member for Hamilton Centre, who likes to sing as well.

Everything we see and understand—and we do work hard in finding out how successful we are in letting people know about our programs and the protection we provide them—indicates the members are really overstating the case, or understating as the case may be, in the sense they're exaggerating. The fact is a lot of people out there understand them.

The numbers of phone calls we get in a year don't come from people who are just picking up the phones and dialling blindly. They're calling because they know we're there. They're calling because they know there are some remedies out there and although they may not have the specifics

of the remedies they may be able to exercise, they do know there is someone there to tell them what to do. They're getting a lot of guidance from our little red booklets which get wide distribution.

Having said that let me also acknowledge, as I indeed have before, we have identified some gaps in the information available out there, or at least being received out there. We're shifting the focal point of our campaigns to let people know what their rights are onto the groups which need them most, as I said in my opening statement; the elderly, those at a geographical disadvantage, the disabled and infirm and those with a language disability. We are shifting in that sense. We think there will be a marked change over the next little while.

The member for Sarnia referred to the aluminum wiring inquiry. He said it was a bit of a joke. I would urge the member to be a little restrained. I suspect he has not attended the hearing himself. I suspect he is hearing second and third hand what is going on. It's awfully hard to tell from a distance.

[8:15]

If the report comes in and he is dissatisfied with it at that time, surely that's the time it would be relevant to comment on the report itself and reflect back on the proceedings. But to prejudice it in the way he has does little good in terms of what's going to happen from here on in. It is not going to engender any public support for the process still going on there.

It would be more appropriate if we waited to see the outcome. Then the member, of course, is free to pass judgement upon the outcome. He may do what our friends in the third party do and cry "whitewash" before it's appointed, while it's being heard and after the report comes out, but I would have expected the member for Sarnia at least to say: "I have such and such concerns about the ongoing thing," and reserve judgement with regard to an all-embracing condemnation or otherwise of the hearing until the report comes out.

We are optimistic. We think we have good people on board there. We think they are doing a fine job, working hard at it and I am convinced we will get a good report. The member for Sarnia urges we act upon the report. Having said the hearing is a bit of a joke, he then went on to say he hopes it will be acted upon. Well, presuming it's not a joke—and it's not, it will be a good report—I can assure the member we will be giving it

urgent attention as soon as the report is filed with us.

The member for Hamilton Centre likes to keep harking back to my predecessor. He says nice things about me interspersed with nasty things, but I don't mind that so much as the fact he keeps harking back to my predecessor. I want to tell the member for Hamilton Centre—

Mr. Davison: I simply have a sense of history.

Hon. Mr. Grossman: —my predecessor laid the very important groundwork for whatever progress we may be able to make in the next few years. My record and that of my ministry over the next few years will be open and available for everyone to assess and judge. Regardless of the job we do, I know in two or three years' time the member will be criticizing my performance and the performance of the ministry over that period of time—

Mr. Samis: You couldn't be any worse than Sidney.

Hon. Mr. Grossman: —and so be it. The fact is I want to state now before I have a record on which to stand or fall in my ministry, whatever success we do have over the next few years in opening new vistas, in areas where we may show some new initiative, in doing a better job, for consumers than has been possible up until the present time, will be directly accountable to the foundation laid by my predecessor.

It's a young ministry and the administrative and legislative background upon which I can work today is very important to me. I couldn't be standing up here talking about some of the initiatives I have been able to talk about, some of the legislation I hope to get into in the next year, without the excellent work done by my predecessor. He may not have been flashy enough for some of my friends opposite, but they may learn, I suspect not, but they may learn in their leadership contest, flash isn't everything.

Mr. Conway: Frank Drea will be long since moved out.

Hon. Mr. Grossman: And you will find the very substantial groundwork he laid will pay enormous dividends over the next few years. If it works well, I will have the enormous benefit of that groundwork—

Mr. Samis: You have done your duty now.

Hon. Mr. Grossman: —to be able to take some of the kudos he should properly be taking at that time. But I am happy to stand here tonight and say he deserves a lot of the kudos if indeed they come over the next few years, for the work he did, the back-

ground he established in this ministry and the very fine way it's operating. I am very proud of the estimates I lay before you today and the framework, the administrative framework, the legislative background I am able to stand here and talk about, was not put together in the last two months since I took office. Certainly not. They were being worked on over the last several years and it's an enormous credit to my predecessor for having laid this groundwork.

Mr. Conway: We want Frank Drea.

Hon. Mr. Grossman: The member for Hamilton Centre was kind enough to refer to some of my mail he answered in the Niagara Falls paper. He was kind enough to inform that citizen of Ontario that yes, the ministry was spending \$78 million on consumer protection and they weren't getting their money's worth.

I am sure in the name of honesty, fairness and full disclosure, which I think is important to this ministry when we talk about how business should be carried on, the member went on to point out the business practices division is \$2.6 million, not \$78 million. I am sure he did that. It was perhaps in the following week's letter to the press.

I am sure he also pointed out that some of the problems complained of by that consumer would have been covered had the house been built after the home warranty plan passed by my predecessor and run by HUDAC came into effect. I am sure he pointed out that piece of consumer protection is now in place.

I am sure he also would have pointed out that it would be in order, in very many instances, for any federal or provincial government not to put itself in the place of an adjudicator and decide when and who is going to go back to work; to sit and say, "You are to go back to work and do this." We think the scheme implemented through the home warranty plan does it very effectively. But there are certain bounds to what they can and cannot do as at a certain stage you become a court. At a certain stage you in fact deal in matters of substantive law. That is the point at which the consumer protection of this ministry must draw a line and let the parties go at determining, in the courts of law, what are often very complex legal problems.

On the subject of rent review, the member for Hamilton Centre referred to his colleague, my friend the member for Riverdale (Mr. Renwick). I must say I am very disappointed to hear that last year the member for Riverdale rolled on as he did about

rent review. I thought he was, to say the least, extreme in his remarks—if the member read them properly. I look forward to our discussion on the rent review program to determine whether in fact the rent review process operates in the fashion suggested that night by the member for Riverdale. Having heard the remarks, I am rather convinced they were in the evening.

The member also referred to the matter of the gentleman from our ministry who was charged with regard to the Travel Industry Act. I am sure the member will appreciate it is a matter before the courts. He has been charged, and I am certainly not going to prejudice his case by referring to it or giving any details whatsoever. It would be totally improper for me to do anything else.

The member also asked, somewhat simplistically, to tell him what programs had been stripped down, dropped, considered, abandoned, whatever.

If he was listening to my opening statement, I indicated we are reviewing all the initiatives we could possibly take over the next few years in my ministry. We are not eliminating any alternatives. That takes in the whole vista of consumer activities; it takes in all the problems that business faces in dealing with too much regulation and too much bureaucracy. Over that whole range we are into an in-depth investigation and study over the next couple of years.

As I stated, I believe we can do an effective job within the budgetary restraints in effect in this province. I am proud of our ministry; I think we can do the job effectively. There will be a minimum number of times when I will be standing here leading off for the sake of budgetary restraints. When I am, I'll tell you. You will know, and you can make that assessment yourself at that particular time.

Now for the good news. The member for Hamilton Centre will once again be astonished that I am not all talk and no action. He was astonished there was action when it came to the tax discounters; he will be astonished, perhaps tomorrow, with some more legislation.

Mr. Conway: Tantalizing.

Mr. Davison: Let's hear it.

Hon. Mr. Grossman: He will be astonished now to hear this: Next year we will have an annual report for you.

Mr. Roy: You will have what?

Mr. Samis: How come Sidney never brought one of those in?

Hon. Mr. Grossman: Before we get to No. 80 on the private members' bill ballot.

He also referred to the fact that my ministry was scattered all over the city.

Mr. Conway: Hell's half-acre.

Hon. Mr. Grossman: For a moment I thought he was going to suggest we consolidate all the registry offices in the province, and I know which I was going to recommend we consolidate first. But he didn't quite go that far. What he did was cite various branches within the city of Toronto; he may even have missed a couple.

Mr. Davison: You are not going to close down anything in Windsor, I guess.

Hon. Mr. Grossman: But I want to tell the member, again we are ahead of him. Again we have action, not talk.

Mr. Samis: You were saying that six months ago.

Hon. Mr. Grossman: All our branches will be at our new head office complex at Yonge and Wellesley before April 1, 1978, except the ones I am going to tell you about now.

Mr. Samis: That is not ahead of him.

Hon. Mr. Grossman: They will be in our new head office complex comprising the three buildings. The Securities Commission moved from our building into 10 Wellesley Street East last week. There's our building, 555 Yonge Street, on the south side of Wellesley and the building next door to ours, 543 Yonge Street. Those three buildings will be consolidated with many of the branches of my ministry which are now scattered throughout Metropolitan Toronto.

There are some that will not be consolidated. Obviously, the liquor branch will remain at its very large and necessary premises on Lakeshore. CRAT and the Liquor Licence Appeal Tribunal will remain at 1 St. Clair. We think that is perhaps appropriate in view of the necessity to have them be and seem to be somewhat objective and removed from the day to day administration of my ministry.

The Registrar General is in the Macdonald Block—obviously that operation is well established there. It's a convenient place for the public and all the facilities are there. That will remain.

The rent review boards: Those are in temporary locations which we'll get into towards the end of our estimates. They will be staying where they are, and we think that's appropriate as well from the standpoint of consumer access.

The theatres branch: They have a big auditorium on Millwood Road and I know

you wouldn't want us to spend money just to build a big theatre downtown so that I could jump downstairs and see, at my leisure, the movies that the member for Sarnia was complaining about. So they'll be staying on Millwood.

The technical standards branch at 400 University will relocate in our building at 555 Yonge Street as soon as possible.

All the other branches talked of by the member for Hamilton Centre as being spread out throughout the city of Toronto will be consolidated into the three buildings I referred to, within walking distance of this building, by April 1, 1978. This is a reduction of six locations throughout Toronto.

I can't resist adding for the sake of the member that that of course was accomplished by my predecessor, the member for Carleton (Mr. Handleman). I know the member for Hamilton Centre, having complained about the fact that we were spread out throughout downtown Toronto will, next time he rises in these estimates, take a moment to acknowledge the contribution made by my predecessor in solving one of the things he complained about so that I won't be taking credit for myself. We can properly give the credit to my predecessor.

Mr. Conway: We know you will disclaim any undue credit.

Hon. Mr. Grossman: You can always be sure of that—me and the Ombudsman.

On vote 1401, ministry administration program; item 1, main office:

Mr. Roy: I'd like to make a few comments on the estimates of this ministry and to the minister personally. I was interested in listening to his comments, first of all, Mr. Chairman, in relation to his predecessor. He was very kind to him. I guess that's in form. That's a good way to carry on the tradition, be kind to your predecessor. Of course—

Hon. Mr. Grossman: You aren't even kind to Vern Singer.

Mr. Roy: Sure, I'm kind to everybody, you know that.

One of the things that makes it difficult for critics of ministries is when we're facing new ministers. Sometimes it's difficult to keep a relationship on ministerial responsibility because they can say, "Well, it was my predecessor." We've had that over a number of years, Mr. Chairman, and it's been difficult to get at a particular minister.

But I do want to wish this minister the best. He has given evidence of having some pizzazz. Of course, taking off after the income tax discounters was a popular move.

I sort of get a kick out of some of the new approaches by these new young ministers who are with it and are attuned to some of the things that I might call politically jazzy or sexy—if that's parliamentary, Mr. Chairman.

Mr. Chairman: It seems to be common.

Mr. Roy: So I find that some of the comments, some of the approaches taken by this minister, are interesting. I think he follows in a long tradition of good politicians in his family and I suspect that the minister has the right sort of tone, the right sort of measure, to be very successful. I hope that, like many ministers, we don't get more form than substance, that behind the nice gestures, behind the poses that we do get concrete policies that are in the best interests of the people of this province.

[8:30]

In that respect, you are going to have a lot of competition from your colleague who just went into another ministry, the Minister of Correctional Services (Mr. Drea).

Mr. Conway: The only progressive over there.

Mr. Roy: It is going to be interesting to view the competition of these ministers. I would like to ask this minister, Mr. Chairman, speaking on broad general policies within his ministries, certain questions I think only he can answer.

I think something we should ask every minister as we face him across the House is about restraints in this province. We are talking about cutting this and cutting that. We are crying, for instance, that in Ottawa we need a new court-house; we are told we cannot have it. Some place else they need new facilities for this and they cannot have it. All capital works for all intents and purposes are cut, as the government looks for areas where there can be restraint.

Of course we in the opposition are very keen, very interested, in helping cut some of this red tape. We are keen to help you cut money and really have a sense of priorities so the moneys spent are in the best interests of the people of this province. To do that you sometimes have to cut to the bone in certain areas. I would think in each ministry we should look at public relations; how they get PR going and the amount of paper distributed by all these ministries. My God, if I stay away from my office one week, and you know that doesn't happen very often, but if that should happen I am deluged with paper on my desk. I don't happen to have the last copy of what is called Interaction, which is a piece of PR propaganda from the ministry,

but the last one I saw had a picture of the minister, a nice picture of the minister smiling.

An hon. member: With his new glasses.

Mr. Roy: That's right, with new glasses and all, and he just looked great.

I am just wondering why we need that? Surely you don't need within your ministry, PR to advise your officials that you are now a minister? I mean you could send just a little piece of paper, just one little piece of paper saying, "Hi! I am Mr. Grossman."

Mr. Conway: Allan's boy.

Mr. Roy: Yes, Allan's boy. "I am the new fellow around here and I am a very approachable guy." I think he is. "I have a nice smile. I would like to meet all of you." I thought I should look at some of this with you. Do we really need this Interaction?

Mr. Samis: The godfather is upstairs right now.

Mr. Roy: I would like to welcome him here. I think he will be very pleased by the performance of his son, because he is doing well. I am sure after this is over the father might have a bit of advice how you can sharpen up on this and sharpen up on that.

Mr. Baetz: By not listening to you.

Mr. Roy: I would like to ask the minister why do you need Interaction in your ministry? I know it is great to see your picture on it—

Mr. Bolan: Propaganda, just propaganda.

Mr. Roy: —but surely you don't need this type of propaganda? I would like to know, for instance, how much you spent, how much this costs. If each ministry, Mr. Chairman, was to look seriously at the PR going on within their own ministry, you would be surprised at how much money is spent. In fact, there was a report recently by some expert who looked at the propaganda machine and the whole apparatus of government—it was Mr. Martin, was it? He had serious reservations about all the PR and all the propaganda floating within the ministries and from the ministries into the province.

You know, I think we have got to start some place. I think we have got to look at some of these things. I am sure you will give serious consideration to some of these things. I don't imagine every issue will have your picture, but that should not matter, you should wonder is it necessary to have all these things within the ministry.

I am looking at an issue dated June, 1977, which announced the appointment of

Mr. Butler as your deputy. I guess Mr. Butler is sitting there, you have this picture here without the glasses.

Mr. Eakins: Does it look like him?

Mr. Martel: As bad as Alan Lawrence.

Mr. Roy: Yes it does, in fact, look like him.

In view of the recommendations of Mr. Martin, I think you should seriously look at this and look at a lot of the other paperwork that's floating across here. I'm convinced a lot of it is unnecessary. I just look at all the press releases, not only of your ministry but of other ministries, that end up on our desks in the press gallery, et cetera.

Mr. Conway: But he's not as bad as Claude.

Mr. Roy: No. Whatever you do, don't read or follow Claude's style in his speeches.

Mr. Samis: And he's getting dumb.

Mr. Roy: So, I want to ask the minister Mr. Chairman, do you think you can cut out some of this stuff, some of this paper? Do you think that might be good? You know in the Frank Drea style of thing you might just make an announcement in the House, come in with a pile of papers and say, "Next year you won't see all these things. I'm cutting this out." Indeed, you'd probably get more press and PR out of that than from all the Interactions, printed, I understand, monthly.

I raise this, Mr. Chairman, because in each ministry we keep seeing these things. There's paper floating around the self-agrandissement du ministere, if I can use a French phrase to the minister, or some of the officials within the ministry. I'd like to ask whether the minister might not give that some serious consideration?

The other thing I want to point out is on a question of broad policy if you're looking to give leadership to this ministry.

Mr. Conway: Is he running for leadership too?

Mr. Roy: I don't know, he may well be. You know it's going to be interesting.

I want to say to the minister some of the things that constituents are asking people like ourselves, their representatives, about the insurance field. That's a broad policy field within the ministry you're surely going to have to set some guidelines. I was looking at the Minister of Transportation and Communications (Mr. Snow) who is next to you. He's been bragging about all the cutbacks in accidents, especially in serious accidents, since seatbelts have come into

use and with the reduction of the speed limit. There's been a tremendous reduction of serious accidents, deaths, and even minor accidents since this legislation was brought forward—at the initiative, I might say, of the opposition.

You bring it forward and you cut back on these things yet there seems to be no cutback in insurance rates. Surely there should be some justification on the part of insurance companies for keeping the current rates if they're getting these tremendous cutbacks in claims. If there are cutbacks in the number of accidents, injuries, deaths and the amount of property damage, why aren't the rates going down? It seems to me a fair question. As a matter of broad policy you may, as minister, ask the insurance people why that is? It seems like a fair enough question.

Maybe you could start by answering these two very minor questions?

Hon. Mr. Grossman: I thought the member's remarks were interesting, because this afternoon while the member was out I was hearing we don't do enough to publicize the works of the ministry. What the member may not know is the publications to which he's referring, both the one with my picture on it with my old glasses and with my deputy with his new glasses, are publications which go far beyond our ministry. They are not publications just to tell each other we're great people.

Mr. Roy: I know they end up on my desk.

Hon. Mr. Grossman: We think you ought to know what's going on in the field of consumerism as well and we know you relay it to your constituents. We are relying, in fact, on you helping us to promote the things our ministry can do and the legislation about which we've been talking. Your colleague, the member for Sarnia (Mr. Blundy) was referring to the difficulty in getting this information out to the public, and therefore we send them out to all members in the hope they will help us do the good work, in this period of restraint, through their constituency offices and through their personal contacts, so that next year, the member for Sarnia can speak and say, "Well, we've made some yards."

I will at that time refer to the contribution made by his colleagues if you promise to do that with that document; if not we'll save some money and not send it to you.

Mr. Roy: You figure that's necessary, all that paper?

Hon. Mr. Grossman: Yes. We've been through all those communications. I think

you'll find they have a lot of substance in them. I think you were showing me Interaction. Is that the one you had?

Mr. Roy: I'm looking at June. It says: "Rescinded under the BP Act."

Hon. Mr. Grossman: The Business Practices Act. You see, it may even help you in your law practice. It is not an internal government document, it is directed at the educational community. It carries articles and quizzes, information relating mainly to the Business Practices Act you referred to. The circulation is 30,000 per issue, it gets out pretty widely. It is a resource used in schools and community information centres; which we're expanding, as you know, throughout the province. We think it is an important piece.

I might add that we think it's important that the people spread out through our many operations throughout the province, the registry offices and so on, know what is happening here in Toronto. I'm going to try to get out to visit as many as I can, but we do think it's important they have some contact with what is happening here in Toronto so they don't feel far removed from where the bulk of the expenditure may be. That is dealt with through another publication called Intercom which you may also have referred to.

Mr. Roy: You mean that's not the only one?

Hon. Mr. Grossman: I might tell you so that you'll have the information—even though it's not under this vote, it's under vote 1401, item 5—but just so you'll have it in case you're not here, I want you to know that Interaction, the one you've got, costs only \$1,160 per issue—

Mr. Conway: Only?

Hon. Mr. Grossman: —and Intercom costs only \$450 per issue. And in view of the very important information it conveys and the wide distribution it gets, and it is fairly wide distribution. What you see here is only part of it, so that members of government and members of the assembly will know what is going on, quite seriously.

It's usefulness is what you make it, I might add. My colleagues do a lot with the information they get. You get the same information and you'll have to account to your own constituents for what you do with it.

The member for Sarnia was pointing out earlier that perhaps we should do more in the way of television advertising to convey the works of the ministry. I suspect that it

might cost a little bit more than \$1,160 per shot.

Mr. Roy: If you get your picture on there it might be worth it.

Hon. Mr. Grossman: It might be, but we won't schedule it just prior to the election and upset you.

In any event, I want to assure the member and the House that each of these publications is, we think, essential. A lot of work goes into them; they contain a lot of valuable information. If you read them you'll see that it helps us convey our message with regard to what we're doing, what rights consumers have. The distribution is pretty good. We think it's a pretty good-looking document in spite of the fact that my deputy and I appear on it from time to time.

With regard to insurance, let me say that we will, of course, get into the specifics of it under that vote. Generally speaking, I think you'll find that in terms of the broad policy of the ministry, insurance companies have their proposed rates looked at by our staff. Our staff calls them in when the rate appears to be out of line.

I think you'll find when we discuss it that the argument by the insurance companies will be that the rates would have gone up a greater degree but for the reduction in the number of accidents. I think you'll also find them saying that with regard to only the very recent insurance rate adjustments—that is the ones in the last few months—have they been able to have figures related to the period after the law was brought late in 1975 on which to assess experience for the full calendar year of 1976, which of course is the basis on which they project next year's likely insurance costs.

I think you'll find two things. First, it's still early to evaluate the assessment in terms of its direct effect on claims. They just completed 12 months of the seatbelt thing and have been assessing the statistics.

Secondly, I think you'll find—and we'll have the information for you on that vote, I have it here but I think we should wait until we get to the vote—but in terms of the broad policy of the ministry, the rates obviously did not climb as much as they might have done but for that mitigating factor which kept them down. The rates this year, as always, were looked at by the Superintendent of Insurance. Sometimes downward adjustments are made as a result of those discussions—whether this particular year is one of those or not, I can't—

Mr. Roy: You are saying it is too early with the figures?

Hon. Mr. Grossman: No, I say now I suspect you will find that on the rates in effect now, we've just had a first run-through at rates which would have been affected, just recently, by the statistics that my colleague, the Minister of Transportation and Communications (Mr. Snow), talks about. Obviously, when the seatbelt legislation came in in 1975—was it 1975? I guess it was the fall of 1975.

Mr. Roy: It was after the election of 1975, it came in the fall of 1975.

Mr. Chairman: Order.

Hon. Mr. Grossman: It was in the fall session. So the first full year would have been 1976. They collect the figures and put them through to project what the likely experience is for the rates they'll be charging in 1977 for 1978. They'll charge in 1977 for their expected experience in 1978. We've really now had the first run-through on the basis of that experience. We'll deal with that more specifically, and perhaps we'll be able to get you some figures supplied by insurance companies. I'll give you what they supply, showing what the projected rates might have been but for the decrease.

Mr. Roy: If I might follow through on that, Mr. Chairman, I want briefly to complete this. What concerns me about this publication is that he said it only cost \$1,100 per issue. That's \$13,000 per year.

Mr. Conway: Almost as much as your last raise.

Mr. Roy: The thing I get annoyed with is that I never see an opposition member's picture on this stuff. It would be nice to see the picture of a critic once in a while. You could say, "These are the new critics of the Ministry of Consumer and Commercial Relations," or something like that, to let the civil service know that if they have any complaints they can address themselves—

Mr. Davison: Spare us.

Mr. Samis: Look at the colour.

Mr. Roy: The only thing that's impartial is the colour, and I'm not sure it's always red.

Mr. Martel: It will change next time.

Mr. Samis: You will be reprimanded for that.

Mr. Roy: In any event, it seems to me this type of propaganda is always slanted favourably to the minister. I keep seeing ministers' pictures on these publications. I would have thought I was giving the ministers an ideal opportunity to make a meaningful gesture within the publicity or the

propaganda apparatus of various ministries, or his ministry.

Mr. Conway: Another headline missed.

Mr. Roy: Yes. You missed another headline.

Mr. Conway: Trying to win this hands down?

Mr. Chairman: Order. I would like to remind the members who aren't in their own seats that the tradition here is that they speak from their own seats.

Mr. Roy: That's one side of the picture. I don't know whether you've been asked this in the House, but about a month ago your ministry was severely criticized by a professor at Osgoode Hall, Edward Belobaba.

Hon. Mr. Grossman: Let's deal with it under that vote.

Mr. Roy: Under what vote?

Hon. Mr. Grossman: Business practices, 1402.

Mr. Roy: Business practices.

Mr. Martel: Aren't you going to be here on Friday, Albert?

Mr. Roy: He's trying again to direct me, Mr. Chairman. I was going to say that on the one side I find this internal publicity is exaggerated, and on the other side an important piece of legislation, according to the professor at Osgoode Hall or—at least, he wrote in the Osgoode Hall law journal—is not well known even to members of the legal profession.

Hon. Mr. Grossman: He hasn't been reading Interaction.

Mr. Roy: I'm sure the legal profession, or the judges who are supposed to be enforcing this Act, are not seeing this publication. It might not be a bad idea. It wouldn't cost all that much money to get together with the Law Society of Upper Canada and advise the legal profession so they could advise their prospective clients about this Act, or even advise the bench. That's what concerned me. He went on to say:

"What this reflects is a weak commitment by the Ontario government to a meaningful program of consumer protection. Unless something is done to publicize the Act, the consumers may start to realize that the government has been the biggest consumer fraud around."

That's strong. But he states, for instance, that only two judges had heard of the Act. That's pretty bad when even your judiciary hasn't heard of this Act. Possibly on the

one side where you are extremely weak, and I appreciate that, you wouldn't have to send your picture along with the publicity.

Hon. Mr. Grossman: Can I send yours?

Mr. Roy: Yes, you can send mine if you like, and my business card along with it, and advise them of the existence of the Act. I found this situation somewhat ironic. On the one side there is all this publicity, and on the other side it appears the consumer, the judiciary and even the legal profession are not aware of an important statute emanating from your ministry.

Hon. Mr. Grossman: To respond quickly, of course that's precisely why we have these relatively inexpensive communications.

Mr. Roy: Which aren't doing their job.

Hon. Mr. Grossman: The member will probably now be critical of us when he finds out we have only had four of those minimally expensive publications in two years. Only four in two years.

Mr. Roy: Do you only have them when deputies and ministers change?

Hon. Mr. Grossman: Now we don't have enough. Now we don't have enough, right?

Mr. Martel: When you get a new minister, you send down a new picture.

Hon. Mr. Grossman: It's fair to point out you don't see the opposition critics in there, but you also don't see other government back-benchers or cabinet colleagues of mine.

Mr. Roy: I hope not.

Hon. Mr. Grossman: Of course not. We do it very carefully and judiciously, letting our staff and the public know who is responsible when there is criticism to be levied, who is responsible for the running of the ministry, to whom to bring complaints, to whom to bring good ideas and what indeed we look like, so when I am walking down the streets of Ottawa as I will be one day in January this year, perhaps someone will stop me and tell me—

Mr. Samis: Be careful.

Mr. Roy: They will ask you if you are Pierre Trudeau.

Hon. Mr. Grossman: —some of the problems the consumers are having in Ottawa. Now, as I say, we will deal with Professor Belobaba at length in vote 1402-6. I will have a lot to say at that time—and if it's not on a Friday morning, perhaps the member will be here and be able to hear that.

Mr. Martel: You will be back next Monday or Friday. It doesn't matter.

Mr. Davison: Mr. Chairman, acting on the minister's kind advice, I would like to thank

his predecessor for managing to commence the process of bringing in the sheep. I would also like to thank the incumbent minister for his understanding of the need for an annual report. If you could think of some of these things on your own, Mr. Minister, it would help a lot.

Hon. Mr. Grossman: I did.

Mr. Samis: Which one?

Mr. Davison: It would keep me less busy.

Mr. Martel: Sidney doesn't want that one.

Hon. Mr. Grossman: You can't keep up to them.

Mr. Davison: I wonder, Mr. Minister, if you could address yourself to two of the points I raised in my opening statement to which you have yet to respond. One is the question of the rent review officers' manual and will I, or will I not, get some kind of explanation about the abridged version I received, purported to be the manual? Secondly, I really wish that for the first time in some two years, if ever, the Minister of Consumer and Commercial Relations would address himself to the issue of small business rent control. People have been badgering you, your ministry and your government about that for the past couple of years: Why is it we have already managed to get so far into the estimates without a single mention by the minister of that issue?

I would like to have some idea of how you responded to the letter I read to you, a copy of which you have now had time to find in your files. I would like to know what kind of new initiatives you are going to take on behalf of those people in Ontario being gouged by those landlords, not only the small businessmen themselves, but the consumers who get it in the neck with higher prices.

Hon. Mr. Grossman: On the matter of the rent review manual, I want to assure the member before we get to the rent section of these estimates, I will have a full and complete answer for him. I am assured at this time the member was given everything we had. He was given everything that we had. I'll have a more complete explanation for the member when we get to the rent vote in these estimates.

I really urge the member that when he finds something missing from the manual or whatever—he has had the manual for some time—that he would first write us and ask for the missing sections, point out that there are some sections missing, rather than rise and say that he is suspicious of what has happened. If he had written us and had received an answer which he felt was unsatisfactory, then perhaps he might have had some justi-

fication for being suspicious or stating he was suspicious. I would hope that he would first inquire after the missing documents and then pass judgement upon the procedure we followed, rather than to presume there was something awry, something wrong in the fact that some sections were missing. But we will get that full answer for you.

With regard to small business rent control, I want to say that what we have in my ministry is a singular responsibility in terms of rents, and that is with regard to residential tenancies. It's a specific program referred in to my ministry on the subject of residential rents. That's my responsibility and that's what I will discharge. The government may have a policy on the subject you raised. I certainly have my own private opinions, reflected in the letter I wrote to the local alderman from my area which the member read into the record. At the present time my mandate is residential rental premises, that's what we are going to administer.

At the present time, no, I do not have any legislation under consideration in my ministry to go into the area of non-residential rent control.

Mr. Davison: If I might seek further clarification. I apologize, Mr. Minister, for raising with you an issue in a public forum when you think it would be more appropriate for me to deal with it by letter or by telephone. Let me tell you that mail around Queen's Park is not answered in the speediest of fashions, and we sometimes get involved in lengthy delays—not particularly with your ministry, but with all ministries around here. I understand the reason for that. I don't say that by way of criticism, but it does indeed take some long time, sometimes months and months, to get a response from ministries to letters.

The telephone is not any great deal better. I might tell you that in regard to this very manual, it took my office weeks of telephone calls before we got this manual in the first place. I apologize if the minister is sensitive about talking about the manual in a public forum. But that's just too bad.

On the question of small business rent control, does your response also apply to other initiatives? Does that mean that when you have policy covering a specific field in a larger field that you won't move upon new policy on your ministry's own initiative, that the initiative has to come from somewhere else, such as from the opposition? I don't understand what this lethargy is with your ministry.

Why is it not possible for you, as a minister, to see a problem from your own con-

stituents, to hear of a problem from your own constituents, to hear of a problem spoken about in this House, to see as a minister and as an individual the damage done by a problem, and then take action upon it?

Is this a general policy statement that you have made, that in no field will you move on your own initiative to protect consumers, or does that apply only to small business rent control? I see absolutely nothing to stop you from introducing that kind of legislation, and I would appreciate some further clarification.

Quite frankly, there is not a great deal of sense for those of us in the opposition to press you to bring forward legislation if there is some stricture on you that stops you from bringing it forward. We don't mean to harass you unduly, Mr. Minister. We mean to be kind to you, and if it is just not possible for you to bring forward legislation in new areas, to take new initiatives, tell us about it. Should I be talking to the Premier (Mr. Davis) about this problem? Is he the person we have to deal with?

[9:00]

I'd like to see some action taken to protect our mutual constituents in the province of Ontario. If the minister can't provide the initiative, tell me who in the government can and I'll talk to that person.

Hon. Mr. Grossman: Mr. Chairman, firstly, I want to say it's enlightening to hear the member and his party have some real concern for the problems of small business and businessmen. In this case, because some of these small businessmen happen to be tenants, they fall into the tenant category and hence the concern they suddenly have. We over here, you see, have an ongoing concern for the health of the free enterprise system and business generally.

I want to tell the member we see a lot of things happening out in the marketplace affecting small businessmen, including those who own the premises they're renting to small businessmen. We also see there is a pretty substantial vacancy rate in terms of most store and retail premises. I think if the member will go back and read some of the things his own party has said on the subject of residential rent controls, they're talking a lot about only having a strict rent control program for the period of time in which there is no vacancy rate.

There is indeed a rather large—perhaps startling—vacancy rate in the area of retail premises. I can't quite put together the two contradictory positions there. My party doesn't have a contradiction in that sense. We don't see the need for a whole system of

retail and commercial rent control simply because there are and indeed there always will be those cases in which some landlords treat their tenants unfairly.

By and large, at the present time, it wouldn't seem to me to be an appropriate time to be screaming for commercial rent controls when indeed, if anything, it's the leasees market, not the lessors market. Most lessors are happy to get any retail or commercial tenant who will pay the rent and be in business a year from today. However, if you wanted to see a situation where you didn't have that vacancy rate, and you didn't have that competition for the retail store, one sure way to do it would be to plop on the type of rent control system we on this side of the House frankly are trying to withdraw from in terms of residential rents. I know the third party will be grappling with this problem with me over the next period of time, having now recognized—as I know they do—the very real problems never-ending rent controls have.

It may read well in Hansard for your constituents but it is not going to be very constructive in this set of estimates to presume that because I or the government or my ministry says we don't identify a need for a system of commercial rent controls, it means we're never going to act on any consumer problem we get. You can do it if you want. I wonder if the member is in a position to state tonight, for example, that his party's position is we need commercial rent controls, the ones he is asking for. If that's the case, then I'm happy to say to him, my party doesn't believe in them. If his party does, I'd be happy to hear him say that and, as always, we'll know where we all stand.

Mr. Davison: Mr. Minister, there are some differences in political parties in Ontario.

Hon. Mr. Grossman: Is that one of them?

Mr. Davison: Some political parties in Ontario can set policy on the front bench in the Legislature.

Hon. Mr. Grossman: Some of them set it at conventions. You know what happens after that.

Mr. Davison: Other political parties set their policy at conventions. It's the members of the party who set the policy—not a few select members of the elite group.

Hon. Mr. Grossman: Keep doing it.

Mr. Martel: Not Eddie Goodman in the back room.

Mr. Roy: Yes, but you are trying to change that. The member for Scarborough West (Mr.

Lewis) doesn't like that. It's embarrassing during the election, he said.

Mr. Davison: I think the minister should understand that. But I think the minister should understand something else—and I don't know why it is so difficult to get it through to you: Toronto is not Ontario. Ontario does not end at the borders of the city of Toronto. I don't understand why that is such a hard lesson. Because something may not be a problem in St. Andrew-St. Patrick, it does not mean it is not a problem in Hamilton Centre; it does not mean it is not a problem in Thunder Bay; it does not mean it is not a problem in Ottawa. Ontario's borders are not the same as the borders of Toronto. Because you have a high vacancy rate in commercial buildings in the city of Toronto or in the riding that you represent does not mean the same exists throughout the province.

If small businessmen and through them consumers are not being ripped off in your riding and in your city it does not mean they are not being ripped off in my riding and in my city. I think it would be very pleasant if the minister would understand that reality of Ontario. There is, indeed, a need for some kind of protection in my riding. It is just not right when small businessmen are being driven out of business because they cannot afford to meet 60 per cent, or 100 per cent, or 200 per cent increases in their rent.

If that is right, if that is okay for the minister, if that is okay for the government, then our standards are different. I understand that. But that does not mean it is not a problem, and it does not mean that Toronto is Ontario.

I really do not understand how the minister is going to tell me if I have or I have not a complete manual without looking at it. I also don't understand why the minister may or may not have a complete manual. Do you have any idea what is going on at rent review? Does your manual also have the same shortages that my manual has? Why don't you take a look at my manual and compare it to your manual and compare it to something from rent review? I really don't think you can tell me whether or not mine is abridged or edited unless you look at it and I am willing to let you see it.

I would like to have some kind of response to that before we get into the rent review debate. I take it that the minister will respond to the questions about who should see it and who should not see it during the debate on rent review, which would

mean there would be no opportunities for my colleagues in the House to see the manual before the debate.

Hon. Mr. Grossman: Firstly, you have had the manual for two months, at least two months. Had you simply called us—you don't have to write; the phones still work—and said, "I am missing the following sections," we would have told you within the hour why you were missing them; whether they were in our book or not. I told you that I believe you were given everything we had at that time.

I have also told you we will get you a full and complete answer with regard to those sections if you want. We will get Hansard and see what sections you referred to earlier and you will have it long before we reach the rent review section of the estimates.

Secondly, lest you feel inhibited, let me assure you that you can show your copy of the manual—in the event you were waiting for my permission—to any and all of your colleagues, even some who are not with us any longer. Feel free to do that so that those in the House at least can participate with us fully and completely during the rent review vote. Don't feel inhibited. It is yours to show to your colleagues.

I am not going to belabour the other point that you referred to. You are suggesting that every time we find a ripoff, whether it is in Hamilton or it is St. Andrew-St. Patrick—these things happen from time to time in St. Andrew-St. Patrick; it is hard to believe, but they do sometimes happen there—I want to tell you that every time there is one, I am going to comment and say the government is going to take over that industry. The government would have to come in and put in a complete set of controls, so that when we find a lawyer ripping off, we would have lawyer controls. We would be running the lawyers and the doctors. I know you would not find that offensive but I would. We would find when a union has an extraordinary increase in terms of its wage settlement, we would, I presume, have union controls—

Mr. Davison: It is called wage controls.

Hon. Mr. Grossman: —and controls, of course, on the corporation that entered into that collective agreement. In fact, your colleague from Welland-Thorold (Mr. Swart) would certainly have us have coffee control and tea control and everything else.

Mr. Martel: Ah, that is nonsense.

Hon. Mr. Grossman: I know it is nonsense. I don't know why they keep at it every day.

Mr. Martel: What you are saying is nonsense. You might investigate something thoroughly for a change.

Mr. Samis: A green herring.

Hon. Mr. Grossman: The member for Hamilton Centre wants to make the case that we don't care about consumers. We don't care about them because he's got some instances of abuse—and, yes, there are instances of abuse. To say to the member that I don't propose to solve those abuses by bringing in a comprehensive system of commercial rent controls—which indeed even the member for Hamilton Centre is afraid to stand up and say he wants or his party supports—doesn't mean that I don't care about those abuses. It doesn't mean we don't do everything we can do about them and frankly I don't like the insinuation that we don't care. We do care about them.

One of the things we can do about them is to make sure that there is a healthy climate in this province so that the commercial tenant who gets put out of his premises by an unscrupulous landlord overcharging has a place to go to, other premises to rent. I can tell you one way to make sure he doesn't have a place to go to is to bring in an oppressive system of commercial rent controls.

Mr. Conway: Is that why Sidney quit?

Hon. Mr. Grossman: So the member does not think I have failed to answer the question, the answer is clearly that, no, we don't intend to bring in commercial rent control. We don't believe in it; we don't want it; we don't see the need for it.

Mr. Martel: You didn't see the need for housing control either.

Hon. Mr. Grossman: We do see a need, through the Business Practices Act and every other tool at our disposal, to make sure that no one is strangled by an inability to get some relief when he's being ripped off—

Mr. Conway: Is that why Sidney quit? Did Marvin Shore write your speech? It sounds like Marvin wrote that speech.

Hon. Mr. Grossman: —and by an inability to get another product, that is, other commercial premises, when he is faced with unscrupulous landlords. We care about the problem; the solution is not commercial rent controls—that's clear, unequivocal. Now if the member would like to be that clear and unequivocal about whether he wants commercial rent controls or not, it would be interesting.

Mr. Davison: Just one last question. I

wouldn't be suggesting it if I didn't think there was some merit in it.

Hon. Mr. Grossman: Do you believe in it?

Mr. Davison: But what are you going to do? Are you going to put out a two-colour brochure to tell them they don't have a problem? If you're going to answer it with a suggested remedy, what remedy do you have?

Hon. Mr. Grossman: Do you believe in it?

Mr. Davison: Answer that question, if you can't answer the other. Can you do something at all, or can you just sit on your hands and talk about consumer education?

Mr. Martel: I remember Irvine's speeches about rent control.

Mr. Martel: That's right, consumer education.

Mr. Conway: You haven't read the charter.

Hon. Mr. Grossman: He didn't understand it, Sean. He read it.

Mr. Deputy Chairman: Order, please. Order.

Mr. Davison: I am still trying to forget it.

Hon. Mr. Grossman: He was picking his post in the cabinet. He was too busy to read the charter.

Mr. Roy: We understand the charter, we didn't believe it.

Mr. Conway: I took mine, stamped it "White Swan" and used it accordingly.

Hon. Mr. Grossman: Well, at least you'll have a policy to work on next time.

Mr. Martel: It was too smooth.

Mr. Conway: Yes, that parchment—

Hon. Mr. Grossman: I don't want to get into a debate with the member for Hamilton Centre about it because I've told him what I think about it. He can't get himself to say anything more than it has merit. I'm telling him that it has no merit, so my position is clear. We don't want it. If the member wants it, that's fine he can stand up and say so. We don't believe in it.

What are we doing to protect consumers? I told him, we are making sure that we have a climate here; my colleagues, the Minister of Industry and Tourism (Mr. Bennett) and the Treasurer (Mr. McKeough), make sure there's a climate in this province—

Mr. Samis: From which country?

Hon. Mr. Grossman: —so that there are alternatives for the commercial tenant when the landlord rips him off so he has some place to move to. That, of course, is the reason we have residential rent controls; the tenant doesn't have an alternative.

Mr. Martel: You opposed it in 1975, you will recall that.

Hon. Mr. Grossman: Commercially they have plenty of alternatives and although you don't want us to take credit for the fact that there are a lot of commercial premises in this province, we will. I don't mind taking the credit.

Mr. Martel: You opposed it. You remember Irvine.

Hon. Mr. Grossman: But one way we'll have none of that is to go to commercial rent controls.

I'm finished debating that subject with you. I've taken a firm position on it. Maybe you'll even wait for that vote to come up.

Mr. Conway: Whatever happened to Irvine?

Mr. Martel: You didn't believe in rent control either, Larry.

Mr. Deputy Chairman: The member for Sarnia. If the member for Sudbury East wishes to enter the debate he can stand up and I'll recognize him.

Mr. Blundy: Right now I have the floor.

Mr. Martel: It is just nonsense I am hearing from over there.

Mr. Deputy Chairman: Order, please.

Mr. Blundy: Okay. Mr. Chairman and members of the committee, I would like to take you from the sublime to the ridiculous.

Mr. Gregory: You are the man who can do it.

Mr. Blundy: Thank you very much. I note on the first page—and I'm starting not at rent control, which is someplace down in our estimates, but right at the first page—the first page is activity analysis, main office. Under it I see Ontario Liquor Advisory Council.

[9:15]

Get this, Mr. Chairman. This is really interesting. The council was created in 1975 to assist the minister and to assess the effect of the government's liquor policies on the population of Ontario. What a wide range they have to work with.

Mr. Conway: The Minister of Consumer and Commercial Relations is in the liquor trade.

Mr. Blundy: Just think of the liquor policies in Ontario.

Mr. Samis: I'm trying not to.

Mr. Blundy: Think of the poor member for Sarnia, getting on the train on Sunday night to come down to Toronto. He goes to the bar car and, of course, has to buy two pieces of food. So what do I buy? I buy a

sandwich you would think was made from plastic from the chemical industries in Sarnia—

Mr. Conway: The federal government runs the railway.

Hon. Mr. Timbrell: I wondered when you would work that in.

Mr. Blundy: —or a bunch of potato chips that would certainly do justice to the rubber plant in Sarnia. In order to get a drink, that's what I have to do. This is really pretty ridiculous, isn't it?

Mr. Samis: Be careful about the sponge farmers.

Mr. Blundy: If I want to have a glass of beer on Sunday evening on the train, I should be able to do it without buying these phoney food parcels.

Mr. Conway: Another Catholic drinking on Sunday.

Mr. Samis: He's a true catholic with a small "c."

Mr. Blundy: Now to get down to the serious thing, Mr. Chairman, I would like the minister to answer a couple of questions about this particular section. What has been the advice given to the minister by this group of 15 or 18 people about the effects of the government's liquor policies on us poor Ontarians? Having had that advice, what has he done about it? Thirdly, how much is this costing the province of Ontario to have these people, two names of which in my opinion are quite suspect—I happen to know them—advising him so well on the liquor policies of Ontario? I think this is a very intriguing page and I really would like to have some more information on it, Mr. Chairman.

Mr. Conway: Another Tory pork barrel? Did they tell you you were your own liquor control board?

Hon. Mr. Grossman: Yes, I'm happy to report to the member the Liquor Advisory Committee performed a very important function, one he hasn't talked about, in the very difficult area of special occasion permits. In the area of special occasion permits, they were given the assignment—

Mr. Conway: Just consultants.

Hon. Mr. Grossman: —of studying the whole area of special occasion permits in which I know the member, coming from an area in which special occasion permits are needed and warranted from time to time—

Mr. Conway: It's an interesting part of the province.

Hon. Mr. Grossman: —will be very interested. They studied this with the very able

assistance, of course, of the Chairman of Cabinet (Mr. Henderson). I know the member will recognize the need for a constant review of the special occasion permit situation. Indeed, the first and major task given the Liquor Advisory Committee was to study the whole area of special occasion permits. They reported, I believe it was early last year, to the minister and as a direct result, there were substantial changes made last year to the whole area of special occasion permits and regulations. So they have made indeed a very substantial contribution to the liquor policy of the province in that special area. It was the specific task assigned them and I think they have performed it admirably and well.

Mr. Blundy: Mr. Chairman, I believe I also asked the cost to the province of Ontario of that valuable advice?

Hon. Mr. Grossman: There was a charge, I understand, to the Liquor Control Board in the first year and the only year in which moneys were expended on that committee. The sum in that year was \$50,000.

Mr. Conway: Shocking.

Hon. Mr. Grossman: The figure was budgeted but not spent. Not a nickel has been spent in the current year because they have not been assigned a task by the minister. Having not been assigned a task, they haven't spent a nickel nor have they been given a nickel. So the cost in this current year is indeed zero.

Mr. Conway: You might say something about what their function is.

Hon. Mr. Grossman: In the event we have need of their services—and indeed we might well, in view of the recent vote in this assembly—they are there. They are very qualified people with some special expertise in the field and we will know exactly where we are going in terms of the cost and the amount of input we require of them. We'll be able to assign them another specific task so we will be able to do it specifically, watching the exact expenditure involved and knowing what we're going to be getting for the money. On their track record, I would tend to believe if we assign them something, it will be well worth the money, but at the moment, there is no expenditure in the current year and no specific plans for next year. They are there at our beck and call if we require them.

Mr. Samis: Mr. Chairman, since the member for Sarnia has opened up a can of something and the the member for Renfrew North is obviously interested in topics of a stimulating nature, I would like to ask the minister about some of these bold new policy

initiatives. I recall, the day after he was appointed and anointed by others, reading the interviews in the *Globe and Mail* as to where he would be leading the ministry.

Mr. Conway: Studying the family compact.

Mr. Samis: The storm-trooper from Renfrew North won't let me get to the point of the matter, Mr. Chairman.

Let me say I congratulate him on the initiative in terms of the income tax matter, centralizing some of his services, but I want to get back to that first interview. I'd like to know where the bold new initiatives came from and on what they were based. There is the whole question of the baseball stadium in this city and some of the refreshments being provided.

I seem to recall the minister referred to the policy he'd be bringing in as the new minister, based on an experience he and his children had at one particular game. The implication was, those who didn't share his views were seemingly a bunch of drunks, a bunch of irresponsible inebriated fans, let me say, at these sporting events. In view of the fact the minister is so concerned about giving himself and his ministry a higher profile and a more progressive image; in view of the fact his predecessor had to bear the burden of a policy in which he obviously didn't believe; in view of the fact you seem to be trying to cast yourself as a progressive yet you've already declared your policy initiatives based on your personal experiences of a bad game, one ball game, I wish you could enlighten the people of Ontario on what you've based your policy initiatives in this particular matter.

Mr. Conway: Do you really belong to the WCTU?

Hon. Mr. Grossman: The fact is, if the member had really researched all the way back, he would have found out before—

Mr. Samis: I read the article.

Hon. Mr. Grossman: No, no, the earlier articles.

Mr. Conway: But Frank wasn't in the cabinet then.

Hon. Mr. Grossman: —the cabinet made its decision last spring, I was on record as stating I was opposed to beer in the baseball stadium. It was not simply a matter, as you always like to suggest, of the particular minister not really believing in what he's saying. At least this time you can't even suggest that. I always believe in what I say. In this case, even you can't say I don't, because it's there on record. I always believed there should not be beer at the baseball stadium.

Mr. Conway: At the Grey Cup it's called national unity.

Hon. Mr. Grossman: I want to tell you I have no hangup trying to prove myself a "progressive" by being against all censorship and being in favour of wide-open liquor laws. That isn't my idea of what's right or what's progressive and I'm not going to go headlong, as others sometimes feel it appropriate to do, in order to establish any sort of fancy progressive image. We stay in office over here because we do what's right and correct from time to time, without worrying about what kind of progressive or, indeed, Conservative image it may cast.

Mr. Conway: You're a minority government.

Hon. Mr. Grossman: So, along those lines, I want to tell you perhaps the use of the word "jerks" was inappropriate at the time I used it, but maybe not always.

Mr. Samis: It certainly was.

Mr. Conway: It was most intemperate for a teetotaler.

Hon. Mr. Grossman: It may have been inappropriate at that time; certainly the people sitting behind me at the baseball game thought it was an inappropriate word to use.

Hon. Mr. Timbrell: But not in the House.

Hon. Mr. Grossman: I certainly have never had that experience. In any case, I want to say quite seriously to the member that I am—

Mr. Martel: A temperance man.

Hon. Mr. Grossman: —a season-ticket holder down there. It is on the basis of personal experience at the CNE, at Maple Leaf Gardens and in some American ball parks, and I have really without exception found from personal experience that the situation in some of the American ball parks is unwarranted. There are obviously occasions of drunkenness. It does occur. I don't think it's healthy or necessary to have it going on—this is why I brought my family into it—in a place to which I am going to take my young children on a family outing to a ball park.

I have to ask myself, what social benefit do you gain by extending—let's remember it would be an extension of the liquor laws; we didn't restrict the liquor laws, what was asked for was an extension—the current liquor laws in Ontario in view of the expense it would cause.

You would obviously have incidents of drunkenness at the baseball game—not a lot of them, but you would have some. It would

obviously be in some instances an intrusion on other people's Sunday afternoons, on the other people who really wanted to use that special place as a family outing.

I happen to think this is rather important and very relevant, particularly in view of the votes cast here a couple of weeks ago on the matter of the drinking age. There is a lot of sentiment expressed on the effects of alcohol on our health and the situation on the highways in this province. I drive down to the baseball game here in Toronto and at the end of a long Sunday afternoon, quite seriously I do not look forward to getting back in my car knowing that, if there are 40,000 people there, perhaps 10,000 of them may have driven to the game and say if 10 per cent of them had a couple of beers, they are not drunk but they have had a couple of beers. Is it so socially important that I extend the liquor laws to let some people enjoy a beer in the Sunday sun—not the newspaper—that perhaps 1,000 to 1,500 of them get back in their cars with a couple of beers under their belts and drive home either on the Queen Elizabeth Way or on—

Mr. Samis: It's okay to do it at the race-track though.

Hon. Mr. Grossman: —the streets of the city of Toronto? I just don't think that the trade-off is worth it. If one or two of them a year out of that 1,000 getting into their cars every Sunday afternoon—and if you total it up over a year, it's a lot—cause a serious accident—

Mr. Conway: What about the racetrack?

Hon. Mr. Grossman: —then I just don't think it's an important trade-off. I don't think it's worthwhile.

Mr. Conway: Tell that to Charlie MacNaughton. What about the racetrack?

Hon. Mr. Grossman: I can cite you more examples. I can cite you the members' dining room, the Legion hall, any licensed establishment in the province—

Mr. Martel: The curling club.

Hon. Mr. Grossman: —and the fact is that all the premises we have referred to are lawfully licensed under the laws as they exist in the province of Ontario. The question at the ball park is whether it was warranted to extend the current situation—

Mr. Samis: It's called a double standard.

Hon. Mr. Grossman: —to have more of that going on at that particular place. What is the social contribution and how important is it for that, having regard to the trade-off

that you would face in terms of interruption of those at the game, in terms of the display of drinking going on there and in terms of the people getting back in their cars.

Speaking as one citizen, taking his kids to the game, I just don't think it's that important that I and others have the convenience—and that's all it is—of having a couple of beers during a double-header, that on the other hand I have to accept the new risk of driving home from that game with some people with a couple of beers under their belt. It's that simple. I don't want it to happen to me with my kids in the car. I don't want it to happen to anyone with their kids in the car or even without their kids in the car.

I just think it's that simple a trade-off to me. That was the basis upon which I made my original statement. That's what I believe and that's why it was rather easy for me to make that statement shortly after I was sworn in. That's what I truly believe and that's why you can call it progressive or conservative or WCTU, or whatever you want. I just don't think the trade-off is at all worthwhile.

Mr. Samis: If I could just pursue that a little bit, Mr. Chairman. I appreciate some of the sincerity of what the minister said in regard to this matter and I will accept the fact that his views are based on a conviction, not pure political calculation, vis-à-vis the election or the next election, whenever it may be—

Mr. Conway: Take it easy there now.

[9:30]

Mr. Samis: —but I really would question the amount of research that the minister has gone into in terms of this particular question. He talks about US stadiums, for example. He is not the only one in this House who has been to US stadiums. If I recall that article, he specifically referred to New York, which is probably the greatest zoo of the 26 major league baseball cities in terms of fan behaviour, athlete protection, security in the stadium—the whole city is a zoo in the first place.

Mr. Conway: George!

Mr. Samis: I think it is rather unfair to suggest that the good burghers of this WASP-ish city would ever emulate the behaviour in that city. I would hope when the minister considers his policy and policy formation he would look down the river where, for seven or eight years, they have had the same laws that we would favour. It was implemented at football events. It was

implemented at the Olympics. It will be implemented at the athletic games this coming summer, with no great problems for that particular jurisdiction.

Widely supported by the mass of people, there is no great complaint from the police about increases in accidents or safety problems. Of course it is not perfect; of course there are minor incidents. But I compare that with some of the hypocrisy, some of the phoniness, some of the lawbreaking that goes on in Toronto where you follow this Neanderthal prohibitionist policy. You go down there.

I recall quite vividly the opening day of the season. I don't know if my good colleague from Sudbury East was there, but I have never seen—and I would point out to the minister that I have been to ball games in Montreal, New York, Los Angeles, Kansas City, Cincinnati—

Mr. Conway: Algoma.

Mr. Samis: No, sorry, not Pembroke either. Never in any of those big-league cities—never in Jarry Park, never in the Olympic Stadium, never in the Montreal Forum, never in the Paul Sauve where beer is sold, never in the Ottawa Civic Centre where beer is sold, never in any stadium in Europe where I have been, have I seen so many liquor bottles, so many beer bottles, and so many people smoking drugs as I did on the opening day of the baseball season in Toronto. And you are trying to convince the people of Ontario that you are trying to protect them from traffic accidents, from wanton drunkenness, trying to preserve a family image for this sport. I point out to the minister that the family image is extremely well established for this sport—

Hon. Mr. Timbrell: Next time you have a caucus party, hold it elsewhere.

Mr. Samis: We will. In the United States, in the other 25 franchises—

Mr. Conway: Did you hear that?

Mr. Samis: One could easily check with the commissioner of baseball—

Mr. Conway: Dennis said that was your caucus party.

Mr. Samis: I would suggest the policy being pursued in this particular matter is making Toronto the laughing-stock of North America.

Mr. Martel: The minister believes in hypocrisy.

Mr. Samis: I would argue further that your policy isn't working in terms of the people who do attend the ball games. You are en-

couraging some people to break the law. The moral values upon which you have based the policy are outdated, not respected by society. I would suspect you are causing more problems for the police and for the security officials at the stadium. You are displaying hypocrisy by allowing people to drink in the Maple Leaf mint, in the racetracks of this province, bowling alleys, curling clubs, golf clubs, private clubs—

Mr. Martel: They don't drive home, though.

Mr. Samis: That's right. But you tell the people who go to the ball park they are irresponsible, they could cause accidents, they are setting a bad example for their families. You are telling the others, "It is okay, it is socially acceptable. We'll give you a licence, or a special occasion permit. Go ahead and do it, but not at the ball park."

I would suspect when you are looking at your policy for 1978—because this is going to come up again, and you, not Sidney, will be the target of the public pressure this time—that you consider the realities of 1978, whether the policy intentions you believe in are really working at Exhibition Stadium, and what the real consequences would be of facing the realities of life and changing that policy.

I accept the fact you have your personal convictions on the matter. But I hope you would look beyond those and see what people believe in terms of social values, social mores; what policy you are following at hockey games, hockey arenas, racetracks, CNE Stadium for football, other stadiums, arenas and recreational facilities in the province, and ask yourself if your policy in terms of the ball park is really consistent and in tune with the times.

Hon. Mr. Grossman: If the member is making the case for more open liquor laws, which he would be doing—

Mr. Samis: Not changing any laws.

Hon. Mr. Grossman: Of course it is. I mean, let's begin with the existing law.

Mr. Martel: Let's start over.

Mr. Samis: You're giving me one more licence.

Hon. Mr. Grossman: If it were simply a matter of them being entitled under the current laws to a licence at the CNE Stadium, firstly Maple Leaf Gardens would have been serving it in the stands years ago. The proprietor of the Gardens is not slow on those things. So it wasn't a matter of it being permitted under the existing laws.

Mr. Samis: It was the case where you couldn't buy anything in the Gardens.

Hon. Mr. Grossman: Quite explicitly, what was required was a relaxation or an extension of the current laws. I want to tell the member he can argue that case; he may even argue it eloquently and perhaps even better than he has tonight. The member refers to the social values, the mores of Ontario today—and it's not all in Toronto; I agree with everything he says. My assessment of it is not only on a personal basis, which I've told him, but that the public is not too keen on a liberalization or an extension of liquor laws at this particular time.

Mr. Reid: On what do you base that?

Hon. Mr. Grossman: Some members were here on both sides of the age issue; some were here when it went down from 21 to 18 and some were here voting on the bill to raise it from 18. I don't think the member for Cornwall was one of those. But the fact is, there is a change—and these things do change from time to time.

I want to tell the hon. member that my personal assessment of it is that extending it—and it is an extension—to the stadium would be a liberalization which really doesn't have a socially important trade-off that would make it worthwhile at this particular time.

Mr. O'Neil: Good word.

Hon. Mr. Grossman: That's all I can tell hon. members on that subject.

Mr. Reid: The Premier (Mr. Davis) has decided he doesn't want it.

Hon. Mr. Grossman: We can talk about Toronto being a laughing-stock, but I want to tell the member—and I don't want to get into a comparison of the major league baseball stadiums; the member for Cornwall apparently is more well travelled than I am; I haven't been in as many as he has—I would call Cleveland, where they had a big "free beer night" riot a couple of years ago, a laughing-stock.

Mr. Samis: That was a unique thing.

Hon. Mr. Grossman: I wouldn't call the situation in Toronto, where it has always been safe and clean and happy and well-run at Maple Leaf Gardens—partly because of the absence of alcoholic beverages in the stands—a laughing-stock. One of the reasons that Maple Leaf Gardens, notwithstanding its hockey team, has been a good place to watch hockey is the absence of that sort of element—having beer or liquor in the stands. I have always enjoyed it there, and I think that has contributed to it. Again, we're getting back into my personal judgement, but I don't think

it's a laughing-stock. I don't think the fact that many people come to the Gardens, for example, and comment on how clean and well run and orderly it is, and how the fans enjoy the game and appreciate it in the absence of alcoholic beverages, by any means makes us a laughing-stock.

Mr. Samis: They say the same thing about Montreal.

Hon. Mr. Grossman: Finally, he said something that is a relevant and important comment; that is, the amount of illegal drinking that is going on in the stadium. I hope I am not ever around here long enough to be in a position where I'm legislating something into legality simply because too many people are breaking the law.

Mr. Samis: That is not the main reason—of course not.

Hon. Mr. Grossman: I think the people out there are entitled to more leadership from us than simply to say, I'm having trouble policing this, so I think I'll rubber-stamp it as okay since I can't stop it."

Mr. Martel: You are really stretching.

Hon. Mr. Grossman: To be fair to the Blue Jays, it is their responsibility and they accept the responsibility much more than others, such as the Argos, to enforce their own stadium rule against bringing alcohol into the stadium. They do a pretty effective job of it. I saw plenty of people being stopped at the gates—

Mr. Samis: Sure. It's an asinine law they have to enforce.

Mr. Reid: Do they police the private stalls?

Hon. Mr. Grossman: If the member would like to go into the private stalls, as he calls them—we call them private suites or whatever—

Mr. Conway: What do you call them?

Hon. Mr. Grossman: I've never been there. Perhaps the member for Rainy River has been there.

Mr. Samis: Those who have, get; those who don't, don't.

Hon. Mr. Grossman: But the fact is, the Blue Jays do a pretty good job.

Mr. Samis: Within the laws you've set, yes.

Hon. Mr. Grossman: Their own management and staff do a pretty good job of stopping the liquor from coming into the place. A lot gets through; I don't deny that. In fairness to the Blue Jays, I think they do a pretty good job—a lot better than what goes on at the football games, which I think is criminal. I don't think it's anywhere near sufficient.

Mr. Samis: I would just ask one final question, Mr. Chairman. Since this affects a lot of people, and obviously there are social values and social mores involved, can I just ask, as we look ahead—and obviously this franchise is going to be around for a long time; they've been very successful and obviously the pressures will continue—

Mr. Conway: Largely owned by a beer company.

Mr. Samis: The same is true of the Montreal teams. Whether it's the Bronfmans or Labatt's, there isn't much difference in sports these days. Can I ask the minister on what basis he will assess the issue for 1978? Will it be on the basis of his own personal convictions or will it go beyond that?

Mr. Reid: On the basis of the Premier's assessment of the situation.

Mr. Samis: Will he consider the social mores, the Premier's political assessment of the electoral prospects in small-town Ontario or what?

Mr. Warner: Political expediency.

Mr. Samis: How will the minister assess it?

Mr. Warner: How many votes in the ballot box.

Hon. Mr. Grossman: No, certainly not. In terms of votes in the ballot box I suspect all the people who care about the issue enough to cast their votes on the basis, if there are any out there, probably live in Toronto and probably are opposed to our decision. So it has nothing to do with the politics of the situation.

If indeed the government deals with the issue again next spring—if it is asked to deal with a change in legislation, which would be required to issue a licence to the stadium, if indeed it is asked to consider such a change, regulation or legislation, it will apply all of its own experience, moral judgement, personal experience, even statistics. We may even ask the Liquor Advisory Committee for some help at that time, and reach the same sensible, well thought-out decisions we always reach.

Mr. Reid: Ask him if he clears his speech with the member for High Park-Swansea (Mr. Ziembra).

Mr. Samis: I assume, in closing, that when the question comes up before cabinet again for 1978, the minister will recommend to the cabinet that any such request be turned down. Is that right?

Hon. Mr. Grossman: You know it would be improper for me to tell you what I would

be recommending to cabinet. You know how I feel about the subject; you know how I felt about the subject before.

Mr. Samis: It is the same thing. The same thing.

Hon. Mr. Grossman: The cabinet made its decision before I joined cabinet. With all that background it would be inappropriate—and I know you especially would have some appreciation for our parliamentary system—for me to tell you what I recommended to cabinet on any specific issue.

Mr. Samis: Baloney.

Mr. Conway: Mr. Chairman, I appreciate the opportunity to join in this particular little debate that my good friend from Cornwall has I think so very properly initiated—I am sure with the close consultation of our friend from High Park-Swansea—

Interjections.

Mr. Conway: —but I want to associate myself truly with what he has said because mine has been an experience, while not nearly as extensive, not altogether different.

Mr. Samis: You've got the member for Kitchener-Wilmot (Mr. Sweeney). Great riding, right?

Mr. Conway: Will you stop these hecklers, Mr. Chairman?

Hon. Mr. Grossman: They behave like you do.

Mr. Conway: Because I think what the member for Cornwall has said is very much my own experience.

I was thinking particularly of watching the Grey Cup yesterday. I have been at three or four Grey Cups in Ontario. I am just going to take that as a specific example. I have been at two Grey Cups in the last number of years here in Toronto and you know for all the sanctimony of the minister's well-put position—I would like at this point to digress and say that nothing is as ridiculous a comment, I think, on the Ontario political and social culture; nothing equals our liquor legislation.

I was reading over the weekend the final chapter of the Howard Ferguson biography, something I know that members opposite, particularly two such ambitious, upwardly mobile members of the cabinet as we are privileged to have with us tonight—

Mr. Reid: Say three. Include Sam Cureatz.

Mr. Cureatz: Later.

Mr. Conway: In one example, there is—

Mr. Reid: To say nothing of the Chairman.

Mr. Samis: His stay here will be brief.

Mr. Conway: I was reading that and thinking, because so much of that particular biography, that personality and that political career deals with the liquor question in this province. I was thinking to myself, because I had a relative who was here at the same time when much of this was being discussed, what hypocrisy, what double standards. I listened to the minister stand up tonight and say, "Oh, well the racetracks that Charlie MacNaughton supervises for the good teetotalling brethren of Ontario really are not quite the same as the ball parks that we plebeians attend from time to time."

We know that you aristocratic Tories can collect at your various watering holes, which are far more exclusive than anything the hon. member for Cornwall and myself, being bona fide working class types, would ever imagine. We know that.

Some hon. members: Right on!

Mr. Samis: From the ivory tower to the paper mill.

Mr. Conway: I want to tell you that the hon. Liberal-Labour coalition from Rainy River knows of what I speak.

Interjections.

Mr. Samis: He was elected in 1924 wasn't he?

Mr. Conway: But I want to just say to you, Mr. Minister, I hope you acquaint yourself with some of the past on this whole liquor question, because there is nothing which is more embarrassing, more shot through with rank and obvious hypocrisy than the liquor legislation this particular party has managed to give to this province.

[9:45]

I admire in retrospect much of what Howard Ferguson did, because unlike many of his generation and subsequent generations of Tories, he had the guts to hold the 4.4 forward for members of the society to see at large.

But are you prepared, given your position, your concern about the conditions of a ball park that might be given over to too much drinking? Are you prepared to go to the commissioner of the CFL or to the Convention and Tourist Bureau of Metropolitan Toronto for the next Grey Cup—when will that be? Is it next year? Probably next year, but I don't know—and tell them, using that as a specific example?

If you've attended the Grey Cup and I'm sure if a working slob like myself has, an hon. minister like you no doubt has as well, you know what it is to stand there at the

good old CNE Stadium here in teetotalling Toronto and it is flowing, openly, obviously and with no care whatsoever to the kind of legislation about which you make such a noise here during this debate and previous ones.

Are you prepared to go to the CFL and the convention bureau and say, "If you people want to hold the Grey Cup in this city on a future occasion, we will not allow the kind of boozing that's going on?"

I was thinking that to drink at most of these events, as the minister indicates, is to break the law. But to booze openly at the Grey Cup is to participate in national unity.

Mr. Samis: Right on.

Mr. Conway: I want to tell you, Mr. Minister, that I think that is a double standard, not unlike much of what we've been told here before. He says to my friend from Cornwall that obviously he wants the whole liquor legislation opened wide.

Mr. Samis: No, no, no.

Mr. Conway: And he says, "How did the hon. members opposite vote on my colleague's bill about raising the drinking age?" I'm going to say, quite frankly and quite openly, I voted to raise the drinking age from 18 to 19.

Hon. Mr. Grossman: Afraid to go on record.

Mr. Conway: I'm not at all afraid to go on record, but I think the notion of restrictive circumstances, age limits on drinking—

Hon. Mr. Grossman: Careful.

Mr. Conway: —is about the most shocking indictment we can make of the so-called civilized society in this part of this continent. I've said on previous occasions I think the drinking habits of North Americans generally represent aberrant behaviour to say the very least. Coming from a teetotalling Irishman from the Ottawa Valley, I think that's all of the disclaimer I need to offer.

Mr. Reid: The only one left.

Mr. Warner: A teetotalling Irishman.

Mr. Conway: I want to ask you—and I realize that this is marginally hypothetical—are you prepared—considering it's so topical as of yesterday, the Grey Cup festival—at a future time to say to the people in charge of that, when it next occurs in Toronto, Hamilton or Ottawa, that we understand well what the Grey Cup festival is all about, because basically it has come to mean in the last 25 years, drinking to excess without any concern about the legislation which may in fact restrict such behaviour?

Are you prepared Mr. Minister, because you appear to feel so strongly about this particular issue, to go to those organizers and say: "So long as the Grey Cup festival takes place in this province, it will do so only under the temperance attitude that flows naturally from the legislation in this province"? How much of an initiative are you prepared to take, so that the so-called festival of years past does not recur with the clear implication that under certain conditions at certain times in this province the liquor laws mean absolutely nothing? If you're not prepared to get your way on this particular matter in cabinet, would you advise us as to whether or not you might take the road of at least one of your predecessors and quit?

Mr. Warner: Hear, hear. You should resign.

Mr. Grande: My God, he won't even give you more than four months.

Hon. Mr. Grossman: The answer is no, not on this issue nor on any other issue will you ever know what I said at cabinet. Except to know that I supported the cabinet decision so long as I stay in cabinet.

Mr. Warner: If you're a member of cabinet, you don't have an opinion.

Hon. Mr. Grossman: I know that with the immense educational background of the non-drinking, teetotalling member for Renfrew North, he will know that's as it should be indeed, and he will report that to the member for Cornwall when he asks me what my submission to cabinet will be.

Mr. Conway: Next.

Mr. Warner: It's going to be secret.

Hon. Mr. Grossman: In very simply terms, when the CFL comes to me—

Mr. Samis: Does it have to come to you?

Hon. Mr. Grossman: Indeed, before I continue, I might say I didn't see the Grey Cup festivities yesterday. I didn't see the drinking. I spent the day outside with my family, having a fine time. I didn't stay in and watch the drinking or the football game.

Mr. Conway: Have you ever been to a Grey Cup?

Hon. Mr. Grossman: I gave up on CFL football when Marc Lalonde threw the WFL out of Canada.

Mr. Samis: What a cheap shot.

Interjections.

Mr. Chairman: Order.

Mr. Samis: The minister's political batting average is slipping every minute.

Hon. Mr. Grossman: No, I will not invite the CFL to come in and have any chat with me with regard to the great national event, as the member refers to it. What I would tell the CFL is that they will have to comply, like everyone else, with the existing liquor laws in this province. There will be no special favours, no special consideration for the CFL or anyone else. The liquor laws in this province are as they have been.

Mr. Warner: Yes, backwards.

Hon. Mr. Grossman: Indeed, the CFL had no trouble holding its great annual event here in years when the liquor laws in this province were a lot more restrictive than they are now. They can come and have the Grey Cup here under our existing legislation or they can choose not to. I would hope they would come here from time to time, but they will do so under our current legislation as it stands.

I might add for the benefit of my friend, the member for Renfrew North, that of course his party was in support of very many sections of the liquor legislation which we are talking about tonight and which set out who can and who cannot be eligible for a permit, and that includes the major sporting events. When he's talking about the state of the liquor laws in this province, it might do him well to look back and see just how much support—and there was a lot of it—we got from his party, and indeed even the third party from time to time, as recently as 1975, when the new Act was brought in. We're not dealing with an Act from the Middle Ages. It's far past that.

Mr. Samis: Not much.

Hon. Mr. Grossman: It's a 1975 Act, with pretty good approval from this assembly, including the member's party. He may have specifics of what he considers to be inconsistencies or anachronisms in the liquor legislation, and I'd be happy to sit here for as long as the member wants, I'd like him to get on record, with as full details as possible, to let you know just how far he wants to go in various liberalization or, in fact, withdrawal aspects of the current liquor legislation. I am sure my friend, the member for Renfrew North, would be happy to get that all on record—and I hope he will not feel inhibited by the time, because we have a lot more hours in estimates—to tell us just where he would go with all the liquor legislation in this province.

I have not ducked the issue. I've told members how I feel about beer at baseball; I've told them there will be no special concessions for it or for the CFL or the Grey

Cup. I've also told them that the liquor laws as they currently exist in this province are undergoing constant review. At the moment, I don't think they are subject to massive generalizations that the member wants to make for Hansard or for the member for Cornwall.

Mr. Warner: The minister is a Neanderthal in a vest.

Mr. Conway: Mr. Chairman, I want to say two or three things. I would agree with the minister in that he says our liquor laws are not medieval. No, they're Neanderthal. Let that be on the record.

Hon. Mr. Grossman: The member's party shouldn't have voted for it. His party voted for it.

Mr. Conway: I don't know what my party did prior to 1975.

Hon. Mr. Grossman: Or after.

Mr. Breithaupt: You keep careful track of these things, I am sure.

Mr. Warner: It's in the good Liberal tradition.

Mr. Conway: I am sure that because Arthur Meighen happened to support conscription might not necessarily mean the same for the hon. member provincially in St. Andrew-St. Patrick. I would not use his clumsy logic to make any kind of a similar case.

Mr. Samis: I wonder where he stood on Dief.

Mr. Conway: I want to ask one question, make a short statement and then leave, because I intend to be back to discuss at the appropriate vote the liquor hypocrisy of this particular government. Has the minister ever been to a Grey Cup? He might answer that yes or no.

Hon. Mr. Grossman: Yes—several.

Mr. Conway: He has been to Grey Cup. He says that he knows that the CFL—and I want to use this just as a case study; I don't want to make a particular big item out of it—

Mr. Reid: He remembers seeing you there.

Mr. Conway: No, I'll tell you who I do remember. I remember seeing John Diefenbaker at the last game here in Toronto. He seemed to be the most coherent Tory there—and there were several.

Hon. Mr. Grossman: They were all coherent.

Mr. Reid: That's a foul thing to say about the rest of them.

Mr. Conway: Allan Lawrence was there, saying, "If only I had been."

Mr. Breithaupt: Forty-four votes. Only 44 votes.

Mr. Samis: Where is Eldon Woolliams when we need him?

Mr. Conway: You read Larry Zolf too?

The minister says, "We know the CFL is likely to come back. I'm not going to tell them any special conditions under which they might have to operate because obviously the hon. member knows we've had Grey Cup festivals here in the past and things have gone swimmingly. In the future, no doubt without any special urging from me they will go accordingly." Of course, you didn't use the term "swimmingly" but let me use it because that was the implication.

Hon. Mr. Grossman: I said it better.

Mr. Conway: The CFL will come back here, of course, because they know perfectly well that the legislation you seem so insistent on protecting will not mean—anything. I must restrain myself because we working class types do have a vernacular which, at times, might be construed as unparliamentary.

Mr. Samis: The ones in the Ottawa Valley.

Mr. Conway: But of course they'll come back. They'll come back for years to come because they know that sanctimony for which you stand in terms of a policy articulation does not mean one bloody thing.

Mr. Warner: That's right. It's hypocrisy. It should never be enforced.

Mr. Conway: It is a hollow reed. It doesn't mean anything. It never has meant anything. And unless you're prepared to take your minority position of sanctimony—

Mr. Warner: That's right. It won't be enforced.

Mr. Conway: —and I don't impugn it in any way; I'm sure it's honourably felt, but in terms of the general population today as far as I can estimate it is quite meaningless—your policy won't mean anything unless you decide to enforce it.

Mr. Warner: It won't mean anything then.

Mr. Conway: You know the argument you put to my friend from Cornwall; I want to assure the hon. member that we don't want to ever become part of increased legislation to bolster those laws which aren't being adhered to— or words to that effect. Can you imagine a more laughable doctrine put by not only an hon. member of the Treasury bench, a distinguished barrister—

Mr. Reid: Oh, now don't get carried away. He will be quoting that in the next election.

Mr. Breithaupt: And the hon. member on the select committee on company law.

Mr. Conway: I thought Ms. Beardsley was going to do it this time, but it might happen next time.

But, for someone with your background to suggest that that would not be the case, is that what you're going to say, or expect the Minister of Transportation and Communications (Mr. Snow) to say with respect to the seatbelt regulations, "Well, the law's in place. Nobody is paying too much attention to it, so it's their own fault." That's not what I hear from him.

Mr. Warner: That's why it is never enforced.

Mr. Conway: It's not what I hear from other members of the cabinet who understand clearly that the only thing worse than having no policy is having a policy or legislation which is just laughed at and ignored. I'm just urging you to take your minority position forward and to say to the people—and I use the Grey Cup as a good example—"These are the conditions. We are not going to allow drinking because I feel, and my cabinet colleagues concur in that opinion, the children gathered here might be offended."

Mr. Samis: Oh, blessed are the children.

Mr. Conway: I often think that maybe what we should do with the Grey Cup, because this might be useful Tory compromise, is take the whole bloody stadium and put it in one big brown paper bag and just mark "LCBO" on it. Somehow the game might take place under that condition and not offend anyone.

My urging and, I suppose, my advice to you for all the worth it might have is that if you want that policy, if you persist in it, please have the spine to go forward to those obvious violators and say, "This is the policy; on this I stand; you must concur; we will make special efforts to police this." Because we know, and you know from being at the Grey Cup, that it is widely abused—so widely abused as to offend countless number of commentators in the press, to use that one example—

Mr. Reid: Bad example.

Mr. Conway: —and to make your policy something more than the meaningless hypocritical joke that it continues to be, at least in the specific reference to the Grey Cup festival.

Hon. Mr. Grossman: I should tell the member that I have been to some Grey Cups. I didn't see him there.

Mr. Conway: You're not hard to miss, Larry.

Hon. Mr. Grossman: I was sitting in the

end zone. I was sitting with my people in the end zone—

Mr. Warner: The Neanderthal mind.

Hon. Mr. Grossman: —the common people from the heart of the city in Toronto. Indeed, we were sitting among coherent Tories and we saw little drunkenness in the end zone where we were sitting.

Mr. Reid: Too cheap to bring any.

[10:00]

Hon. Mr. Grossman: The member for Renfrew North I am sure had much better seats. He has lots more important friends who, indeed, protect the CFL from time to time. I want to tell you that if the member is suggesting we take special steps to approach the CFL on the basis that the CFL is breaking the law, I think he's a little mistaken. The CFL isn't breaking the law. The people who are attending the CFL game are breaking the law if they are drinking.

I agree with the member, enforcement should be good and tight. As the member will know, it's up to the municipal police authorities to enforce the laws. We make the liquor laws; it is up to them to enforce them. I would hope they enforce them to the maximum of their ability.

I want to repeat that I am not about to do what perhaps you would have us do, and that is say, "Since a large percentage of people are not wearing seatbelts, I give up. I will revoke the law and say it's okay not to wear seatbelts." That's the kind of reasoning I was referring to. I am not about to do that in terms of drinking at the stadium, so that's the situation.

Mr. Warner: No one should have to wear a seatbelt.

Hon. Mr. Grossman: I hear what the member says. I am sure he will be equally articulate when it comes to giving us specifics of where and how he would change our liquor legislation. I have told him a couple of things. I would not recommend a change at this time with regard to our policy on the stadium.

I tell you there's an ongoing review. We don't let it sit for 100 years, 50 years, or five years without looking at it. There obviously will be a review of the whole area pursuant to the Premier's statement of November 10, and that ongoing review will prove interesting. I look forward to the member's contribution when we bring forward that package in the spring—

Mr. Warner: What a bunch of nonsense.

Hon. Mr. Grossman: —to see just how liberal he wants us to go with the liquor laws,

and where he thinks the inconsistencies can be straightened out. Those specifics will prove to be a lot more interesting than the general epithets he throws around with regard to the liquor laws which his party embraced and supported two two short years ago when they were before this assembly. Our position is clear—enforcement should be as tight as possible, and we constantly look at the laws. You may even be seeing some changes, in the spring, especially in view of the developments of November 10. I look forward to your contributions.

Mr. Conway: Mr. Chairman, I want to say one or two things in reference to the minister's comments. First and most important, I do not for one moment suggest the CFL should be charged, or whatever laughable suggestion was put forward by the minister. With that kind of legal capacity, I am surprised you are not Attorney General. You could make a 9-0 score, probably 15-0, with nine judges voting. But the point has simply got to be reinforced, and you don't seem to be prepared to accept it for one moment, that you are, in your present liquor policies, the laughing-stock of much of this province—

Mr. Samis: And the country.

Hon. Mr. Grossman: The world.

Mr. Conway: Because despite what the WCTU and whatever other input you have in that policy formation—

Mr. Samis: He provokes peals of laughter in the UN.

Mr. Conway: I wanted to say that unless you are prepared to take the initiative and make your legislation effective—certainly we understand that it's the municipal police force that will do that enforcing—but surely if this is so near and dear to you, if you are capable of that tear-jerking article that flowed from the—

Mr. Samis: The Globe.

Mr. Conway: I knew it was in the Globe—that sort of heart-rending statement of your deep-seated concern, then surely the concomitant of that is to go to those police people, through your Solicitor General (Mr. MacBeth), and say, "This is the law and we are going to have it enforced." If Attorney General Raney could have taken the same policy 50 years ago, and it was the same policy in many respects, then surely you might with the same zeal and the same commitment go to the same police forces and say; "We are going to have this thing enforced."

I see the Minister of Health looking up with his dedicated concern. He is a very

wise man, that minister. We have just spent a long time in his estimates, and I tell you, there's a guy to watch. He is very upwardly mobile. He's wearing his glasses tonight; I guess that means something.

Hon. Mr. Timbrell: I thought Raney was a liberal at the time.

Mr. Chairman: Order.

Mr. Conway: Well, we can discuss that later, actually you are wrong. We have the Minister of Health here, and under this general policy vote in the first section we are at liberty to discuss the policy of this administration. I want to say to the minister, considering the zeal with which he holds his principle of high moralism that, "We must not have, and I refuse to have my children—" and I realize that's an implicit comment on the lifestyles of others of us who cannot make the same public charge—

Hon. Mr. Grossman: You win.

Mr. Cureatz: Pat Reid too.

Mr. Reid: Strike that from the record.

Mr. Conway: I wonder if the minister, and I presume he has—who is your super minister, is it John MacBeth?

Hon. Mr. Grossman: It is.

Mr. Conway: It is, all right; so you know what those policy secretariats are all about.

Have you ever, for example talked and I know you are in the cabinet just a few months, a few weeks or whatever it is—but have you ever undertaken, or will you in the days ahead, undertake a discussion with your colleague, the hon. member for Don Mills who is Minister of Health, and who quite properly tells us in estimates that he has his ministry proselytize about the environmental problems vis-à-vis health costs that grow out of, among other things, lifestyle as it relates to, yes indeed, too much drinking?

An hon. member: It turned you into a cabinet minister.

Mr. Conway: The government of Ontario has a fascinating conflict of interest. The Minister of Health properly says, "Really, we have got to concern ourselves about that sort of lifestyle advertising, the whole lifestyle question. Some 50-odd per cent of our health-related concerns grow out of that area." Some of us say there has got to be something done. I am talking about the diseases and health problems that grow from environmental concerns. I think it is actually higher than 50 per cent; so study indicates, but I may stand corrected on that.

Has the minister in charge of the liquor

trade ever gone to his super ministry—in fact the super ministry of Social Development, and, yes, his competitor from Don Mills—and said, “What should we be doing in terms of rationalizing the government’s position?” Because really, it doesn’t make much sense to have the mighty Darcy, every time he needs more tax revenue, go to the liquor stores and to the tobacco shops and there raise substantial increases to encourage provincial revenues, and therefore become more dependent upon that particular source of taxation; and then we have the Minister of Health saying, “We’ve got to be concerned about the health problems that grow out of too much smoking and too much drinking.”

Now we have the minister in charge of the liquor trade before us, and I guess what I am asking him is has there ever been a broad policy discussion involving particularly those three ministries—Treasury, Health, and Consumer and Commercial Relations—to sort out where this government is going, to try to remove as much as possible these conflicts within the whole liquor question? Has this minister, or will this minister, undertake any kind of a dialogue, with for example the Minister of Health, to see if some kind of a rationalization of approach in policy cannot be struck within the very near future to remove, from the actual level of government activity, the sort of hypocrisy that’s obvious from those stated three ministries which are taking various positions on the liquor business?

Hon. Mr. Grossman: I want to report to the member that, of course the policy secretariats in this government are working so well that there has been exactly the type of interchange, which you perhaps didn’t anticipate but asked for. There has in fact been an interministerial committee on liquor-related matters for some time. That has been operating quite successfully. The interchange of views that you talk about has gone on, and indeed some of the work of that interministerial committee will form the basis of the resolutions and/or legislation that come before this House next spring pursuant to the November 10 vote in this assembly.

So yes, there is that overall policy co-ordination in government under the jurisdiction of the policy secretariat. It is going on all the time. When that day comes in the spring, I am really quite looking forward to the member for Renfrew North rationalizing his statements about lifestyle advertising with his desire to extend his lifestyle to drinking

at the baseball stadium. It will be an interesting day.

Mr. Conway: Mr. Chairmain, those of us who have the wisdom to be abstemious in all these excessive matters have no problem, no problem at all, sorting out the kind of difficulties that quite understandably present themselves to that bunch across the way.

Could the minister tell me, from the point of view of public policy, what one or two concrete suggestions, for example, his particular ministry, has put before that vaunted interministerial committee on the liquor question? Could he be specific in, let’s say, two particular proposals which your ministry has taken to that interministerial group?

Mr. Kerrio: Pretty tough, eh, Larry?

Hon. Mr. Grossman: I know the member’s knowledge of political science would tell him that at the moment these matters remain matters of internal governmental discussion, i.e., for cabinet consideration in preparation for the spring resolution and/or legislation. He would neither expect me to do it nor would he think it’s appropriate for me to tell him what specific input we may have had. Because in the spring when it came before the assembly—

Mr. Kerrio: Because there isn’t any.

Hon. Mr. Grossman: —he might be wanting to say to me, “Grossman, you made this submission then and now the cabinet’s coming in with something else. Which side are you on?” You know that would be inappropriate and if you disagree with my view of the political system and the way we ought to operate, you can take some more time in these estimates and tell me that you disagree.

At the moment that is my philosophy of government. It always has been and always will be. Of course I won’t tell you what specific input there has been.

Mr. Conway: Mr. Chairman, I will gladly comment on that briefly. I well recognize that particular position. It has nothing to do with conventional political science as it relates to the British parliamentary system. It’s known as the Tory secretive approach to government. That’s what it’s called. We’ve dispatched Carleton Williams to see what we can do about mothballing some of that psychological approach.

Hon. Mr. Grossman: We got it from Ottawa.

Mr. Conway: I just want to say that like my colleague from Niagara Falls who, in his inimitable and eloquent but succinct way, said it all when he said, “You can’t tell us anything because quite frankly from your

point of view there is nothing." You have made no concrete proposals. Your predecessor has on similar occasions left the same kind of general impression, because quite frankly there is a serious conflict in this matter with this government on those three ministerial levels. There's no question about that in my mind.

The reason you can't confide in us here today is not because that interministerial group has made a number of suggestions, some of which have come from you and those proposals are now before cabinet. I am quite convinced, however cynical it might appear at this point in time, to say that not one whit of that bears any relevance to the situation.

What in fact is true is what my hon. friend from Niagara Falls says. There simply can be nothing coming forward from the minister in response to my question, because there is simply nothing in the closet.

I think that's the indictment on this particular policy question that I would level against this government. I want to assure the hon. member for St. Andrew-St. Patrick that I will be most pleased to join with him at whatever time in the future—assuming the merry-go-round of cabinet shuffles that will probably debunk my good friend from Ottawa South (Mr. Bennett) and maybe my friend from Prince Edward—Lennox (Mr. J. A. Taylor) and a few other of the lesser lights over there—I just hope you're still in charge, assuming there's not an election, of that same ministry, because I intend to be there to discuss the particulars of that great liquor bill or whatever when it's brought forward by the hon. Premier.

Hon. Mr. Grossman: I will be here whether there's an election or not.

Mr. Warner: You led us on.

Hon. Mr. Grossman: I have the floor—I can understand the member's view of how the political system should operate with various of us in the Treasury benches, as he would have it, having different views and talking about them helter-skelter. That's the way his party runs their caucus and I'm sure that's the way they would run a government. We just run it a little differently and a little better.

Mr. Kerrio: Different, yes; better, no.

Hon. Mr. Grossman: Finally, with regard to speculation about whether we have had input or not at policies or not, I must tell the member for Renfrew North from the bottom of my heart as sincerely as possible—once again, he's just dead wrong.

Mr. Conway: Mr. Chairman, one final point

since the member for St. Andrew-St. Patrick is insistent on giving those of us opposite a lecture on political science, let the record underline what he just said which was, "I'll be here whether there's an election or not." That comment, certainly to those of us with any basic knowledge of political science, has some interesting implications as to what he thinks about the entitlement of the electorate in St. Andrew-St. Patrick. "I'll be here, whether there's an election or not." Typical.

Hon. Mr. Grossman: Not their entitlement—just their good judgement.

[10:15]

Mr. Kerrio: That is true to every defeated Tory candidate, and you know it.

Mr. Conway: And you know it too, Bill.

Mr. Kerrio: You will never get it.

Mr. Chairman: Order. The member for Scarborough-Ellesmere.

Mr. Warner: Mr. Chairman, thank you. I would like the minister to reflect, for a moment, on the poll that was taken by the Toronto Star prior to the last election on the question of beer in the ball park. I am sure the minister recalls this—the poll was done of the 29 members in Metro Toronto, four of whom supported the notion of having beer in a ball park. They were, including myself, Jim Renwick, Pat Lawlor—

Mr. Conway: And Ed Ziemba?

Mr. Warner:—and Vern Singer. Ed kind of passed on that one, but Vern Singer was the other one, there were four. All the Tory members declined. That was not an appropriate—

Hon. Mr. Grossman: Not all of them, I didn't.

Mr. Warner: Well voted "no"; they did not want it, it was not a good idea.

Mr. Conway: What did Frank say? What did Frank say?

Mr. Samis: He wanted to get into the cabinet; that is what he said.

Mr. Warner: Frank Drea, no comment.

What was kind of interesting, though, was that following the publication of that poll in the Toronto Star, I did in fact, receive some phone calls, some letters; and you know what the biggest response was, from the people out there?

"We really don't care; we really don't care whether you sell beer in the ball park or not. It is not one of those earth-shaking things to have happen. If the people in the city of Toronto wish to have beer at their ball park, then surely they should have beer

at their ball park. After all, every stadium in North America, including the one in Montreal, serves beer in their ball park. So if they really want to do it, go ahead, we really don't care."

That was the big message that was coming through. No matter how you decide on it, it really is not such a big issue; and surely, since everybody else is mature enough to handle it—Montreal, Winnipeg, the American cities—then surely we in Toronto are also able to cope with this serious problem of beer in a ball park. But that was in a minority government situation and obviously the politics of the day had to reign.

What interests me, though, is to juxtapose that kind of situation, where the public really doesn't seem to be too caring about what kind of a decision is reached, with a far more serious matter—I will wait, Mr. Chairman, until I have the attention of the minister.

I would like to juxtapose that situation—where most of the people, as you well know most of the folks in Metro Toronto really don't care one way or the other what you do, but you took a good hard line on it because it was a good political thing to do—against what is a very serious situation, and I suspect quite frankly you are not doing anything about it, and that is the underage people who are consuming alcoholic beverages in the bars and taverns in Metro Toronto.

I would like to know, for example, Mr. Chairman, how many licences in the city of Metro Toronto were suspended during this past year because of serving to minors. I would like to know how many people underage have had charges laid against them because they were drinking in a licensed place and they were underage.

The minister probably recalls that a couple of weeks ago, when we had the bill in front of us about raising the drinking age, the Toronto Sun did their usual poll of five people. Two of the people they polled that day both indicated they had been drinking in licensed establishments since they were aged 15 and they are now 21.

Hon. Mr. Grossman: Vern Singer and Pat Lawlor.

Mr. Warner: Vern wasn't one of them, no.

I suspect, and the minister probably can confirm this, that just about any 16-year-old in this city who is attending high school can give you a list of the bars in this city that will serve minors. It is directly his responsibility, I would assume, and if I am wrong I would expect the minister to correct me;

but I would assume it is his responsibility through your licence inspectors to crack down on those bars that are serving minors.

I assume that's part of the responsibility of his ministry. Where liquor licensing people know that bars and taverns are serving to minors, they have an obligation to go in and crack down. It perhaps would add to the clarity of the situation if we could have some figures on that—how many licences have been revoked, how many fines have been handed out, how many people have been charged where minors have been purchasing alcoholic beverages.

To tell the truth, that's a far more serious problem than beer in a ball park. If there had been a majority government in 1975, I think there would have been no hesitation; the ball park would have had a licence without any problem and people would have been consuming beer. The government might not have wanted to take the whole step of permitting regular beer; it might have allowed light beer, the stuff that's half the alcoholic content of regular beer. But the people at Exhibition Stadium would have been consuming beer today—not today; it's too cold for baseball, but during the baseball season. They would have been consuming beer, had there been a majority government. But, no, the issue is kind of touchy, and at that point the Tories only had 12 seats out of 29 in Metro and couldn't afford to lose any more. So it became a very political decision.

While the minister is trying to get those figures on the supposed crackdown that has taken place over the last year—doesn't he have any figures?

Hon. Mr. Grossman: We do but, frankly, they're in the ministry's book for vote 1407. They're very complete. It may be somewhat more appropriate to wait until we get to the liquor vote.

Mr. Warner: Could I ask, when we get to vote 1407, that the minister give us the figures as they relate to charges on licensed establishments?

Hon. Mr. Grossman: Sure, even if the member is not here for the vote.

Mr. Warner: That's good. I read all the Hansards; so if I'm not here, I'll be able to pick that one up. I think that's the important part of the problem instead of wasting time over whether there should be beer in the ball park or not. Just give us beer in the ball park and concentrate on the real problem, which is minors being served in licensed establishments.

Hon. Mr. Grossman: Agreed.

Mr. Warner: I want to put on the record

something that's really bothering me. When I came into this place in 1975, I took it that whatever it said in the book about the ministries and what they were supposed to do, was the truth. I took it that that's what they did.

Hon. Mr. Grossman: That's right.

Mr. Warner: But I found out, through unhappy experience, that this ministry is next to useless in terms of accomplishing anything. I'm very disappointed. I'll tell you how it happened, Mr. Chairman.

I had a young woman come to me, a constituent who had been ripped off by a car dealership. She explained the whole problem, and I said to her, very trustingly: "This is a problem for Consumer Relations." You know, some of those magical people over there with the capes and so on who fly around—

Hon. Mr. Grossman: They are in the member's caucus.

Mr. Warner: "They are going to do something good over there that will solve your problem," I said.

Mr. Kerrio: He is setting the minister up.

Mr. Warner: I sent her over there and she explained the whole situation. She phoned me back about two weeks later and said nothing had happened and wondered if I knew anything. I said, "I'll check up for you." I phoned over and talked to some nice person over there who said, "Oh, the whole thing has been resolved." I said, "Gee, that's great; I'm glad to hear that."

I wrote the constituent a letter, saying, I understand from the Ministry of Consumer and Commercial Relations that the situation has been resolved." Do you know what resolving the situation meant? The company had been contacted and nothing more could be done. I was really appalled. So I went up with the constituent to the company that had ripped her off and sat down with the brass that owned the place—it was up on north Yonge Street; I can't even remember the name of it, but it's in the file. I hammered away and finally I had to use what I would call a threat: "I'm going to bring this up in the Legislature. I'm going to hire a lawyer. I'll do whatever it takes, but obviously you have ripped her off", because when they brought out their records of the bills they didn't gibe with what they had given her. She was out by well over \$300, and the best I could do was to get a cheque for \$100 from them. That woman had been ripped off and your ministry didn't do anything to help her, not a darn thing.

I was really annoyed and so I made it a policy from then on—yes, I will refer people

to the Ministry of Consumer and Commercial Relations, but I must warn them ahead of time, "Don't expect anything, because chances are nothing will happen. Go there first and when you're finished, come back to me and I will do what I can. If it takes getting a lawyer, I'll do it, and I'll do it at my own expense. But I'll get the problem solved." And I will and I have on occasion.

Mr. Kerrio: He is going to ask the minister to resign.

Mr. Warner: It's the only way to get the job done.

Mr. Breithaupt: Haven't you been asked to resign yet?

Mr. Warner: Mr. Chairman, the key to the whole thing to tell you the truth, right from the beginning—and I should have known better—is with the title of that ministry. It should be the Ministry of Consumer Protection and it's not—Consumer Relations. It kind of sounds like you've got a bunch of relatives, and you know what happens when you try and solve problems among relatives. It should be Consumer Protection; that's what it really should be, and there should be the appropriate laws to go with it—

Mr. Breithaupt: Does the minister want to tell us about his relations?

Hon. Mr. Grossman: In some detail.

Mr. Warner: —and the teeth to make those laws work. But you don't have that. You either don't have the legislation in some cases, or you have it and you don't do anything about it.

I suspect in the case of the woman that I described who was ripped off by that car company there probably was the legislation but no way of enforcing it.

Mr. Germa: What company was it?

Mr. Warner: That's the thing that really bothers me, right from the outset; that ministry is not designed to protect the consumer, it's designed as some sort of public relations exercise: "Let's talk it out between the buyer and the company." In that situation, does the individual have much of a chance against General Motors or General Foods or any other of those corporate creeps? Not a chance, and you know it.

Mr. Breithaupt: That's called socialist realism.

Mr. Warner: Unless this government has some legislation with teeth, you'll never accomplish anything.

Mr. Grande: That was alliteration.

Mr. Warner: Since we just have a couple of minutes left, I want to at least begin the

discussion on the aluminum inquiry business and perhaps we can pick it up later. There's something that bothers me about that inquiry.

Hon. Mr. Grossman: Mr. Chairman, why don't you wait for technical standards? The vote is 1403; that's the proper place for the aluminum inquiry.

Mr. Warner: I agree, but, Mr. Chairman—

Mr. Davison: Mr. Chairman, point of order. We have allowed a discussion of this matter as it involves the policy decisions of the ministry—

Mr. Breithaupt: First vote.

Mr. Davison: —and we've allowed the minister to make grand statements about his opinion. I see nothing wrong with members on this side of the House having an equal opportunity to discuss the broader issues.

Mr. Chairman: I would say to the member for Hamilton Centre that this was certainly discussed in the opening remarks by the critics, I believe, of both opposition parties. Actually, it's now so close to 10:30, I think this might be an appropriate time to rise.

Mr. Warner: Mr. Chairman, if it's all right with you, I have a minute and a half and I can put pretty quickly on the record what I need.

Hon. W. Newman: You couldn't say anything in a minute and a half. It would take a week.

Mr. Chairman: I would say to the hon. member he has about a half a minute, be-

cause we usually adjourn the House at 10:30 and we have to rise and report.

Mr. Warner: Mr. Chairman, I have discussed the matter of the inquiry and my concerns about it with the minister, and I'd appreciate at some point getting his explanation with respect to these rules. When you set up an inquiry, you set out the rules. What happens when those ground rules are not being adhered to? What do we do then? Do we interrupt the inquiry? Do we start over again?

I think we deserve an explanation of that because I'm very uneasy about how this inquiry is proceeding under the rules that were set up by the minister.

On motion by Hon. Mr. Grossman, the committee of supply reported progress.

Hon. Mr. Grossman: Mr. Speaker, I might ask unanimous consent of the House at this time to table the answer to a question on behalf of the House leader.

Agreed.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Grossman: Mr. Speaker, on behalf of the Hon. Mr. Welch, I wish to table the answer to question number 41 standing on the notice paper. (See appendix, page 2375.)

On motion by Hon. Mr. Grossman, the House adjourned at 10:30 p.m.

APPENDIX

(See page 2374)

41. **Mr. Reid**—Inquiry of the ministry: Would the Minister of Government Services indicate on what date the elevating device between the north wing and the main legislative building became operable, how many days since then it has been in working condition, and how much the repairs have cost? Also, would the minister indicate if this elevating device meets the city of Toronto bylaws and building code since there is now no alternative access for handicapped people when the elevating device does not work, and could he specify what alternative access there is for handicapped people who cannot negotiate the stairs between the two wings of the building? (Tabled November 15, 1977.)

Answer by the Minister of Government Services (Mr. McCague):

The elevating device between the north wing and the main legislative building became operable on September 15, 1977.

The elevating device has been in working condition since September 15, 1977, except for approximately eight days. Approximately two hours of this eight-day period were due to mechanical failure and there was no cost for repairs, due to manufacturer's warranty. The remainder of the eight-day period was required to modify the chair-lift safety controls.

The city of Toronto has no jurisdiction over elevators and/or lifting devices.

A portable ramp system will be available for quick installation in the event that the elevating device is out of operation.

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Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 29, 1977

The House met at 2 p.m.

Prayers.

STATEMENTS BY THE MINISTRY

BOUNDARY PROPOSALS IN THE ROBERTS, ARCHER AND MAYO REPORTS

Hon. Mr. McKeough: Mr. Speaker, upon the release of the report of the royal commission on Metropolitan Toronto, the Archer report on the regional municipality of Niagara and Dr. Mayo's report on Ottawa-Carleton, I invited the municipalities, local boards and the general public to advise me of their views and concerns about the various recommendations. Throughout the province's review of the findings and recommendations of the reports, very close attention has been directed to the municipal and public response to the proposals. In this way, we hope to respond to the concerns of the residents of Metropolitan Toronto and the two regions in our review and decisions on the three reports.

To date, the response to the Roberts report has been substantial. At present more than 400 submissions have been sent to me from municipalities, local boards, private organizations, ratepayers' groups and many individual residents. Most of the municipalities and local boards in Metropolitan Toronto have already submitted their briefs on the report, and I expect to hear from the remainder in the near future.

It will be a surprise to no one, I am sure, that the boundary proposals in the report appear to have received the greatest amount of scrutiny and concern, certainly from the public. More than 75 per cent of the public's briefs have been directed to the boundary issue alone. I might add that this figure excludes more than 7,000 coupons sent to me from residents of Scarborough objecting strongly to any shift in that borough's boundaries. From early indications, I expect that a similar expression of public concern may accompany the soon-to-be-submitted borough of North York brief.

In examining these submissions, it is apparent that little public and municipal sup-

port exists or can be anticipated in the future for the municipal boundary proposals recommended by the royal commission. It is evident to me that many residents of Metropolitan Toronto are very concerned and upset about the possible effects that the commission's boundary proposals might have on existing local services, local taxes and community identification. With only a few exceptions almost all public submissions have objected to any major change to the present boundaries of the local municipalities in Metropolitan Toronto. Only the boroughs of York and East York have expressed support for the boundary proposals in the report. Other municipalities have objected to the commission's proposals and have either requested no change or have recommended alternative boundary arrangements.

Mr. Nixon: These are the Roberts recommendations.

Hon. Mr. McKeough: Many of the arguments in opposition are persuasive. For example, major shifts in municipal boundaries can cause significant emotional and physical disruptions to the community. Our view of Mr. Roberts' report, so far, indicates that no significant improvements to the system of representation on the Metropolitan council would necessarily occur through major municipal boundary shifts. There may be other alternatives to arriving at more equitable representation arrangements, if it is seen to be necessary. It is also evident that the proposed boundary changes alone would not provide substantial benefits to the overall financial position and servicing potential of the municipalities in Metropolitan Toronto.

On the other hand, the boundary proposals in the report would have only a minor impact on the total local government spending and taxation due to the large portion of the local tax bill taken by the Metropolitan and educational levies. The analysis of the report also indicates that short-run tax shifts would be rather small—increases or decreases in the range of \$10 to \$20 per household.

In response to these municipal and public concerns, I wish to announce today that it is not my intention to proceed with any major changes to the existing boundaries of the area municipalities in Metropolitan Toronto.

In reaching this decision, I have considered very carefully the arguments and evidence both in support of and in opposition to this proposal. I am also hopeful that this decision will now permit us to concentrate our efforts on the other important proposals in the report, for example, on improving accountability, the level and allocation of responsibilities and the financial and other resource capacities of the municipalities.

Mr. Lewis: The government might even appoint a commission to look into that.

Hon. Mr. McKeough: I note, however, that the boundary proposal in the report would correct some of the existing minor anomalies in the boundaries between some of the area municipalities in Metropolitan Toronto. I have in mind, for example, the southeast section of the borough of York, extending east of Bathurst Street and along St. Clair Avenue to the Spadina Road area of the city of Toronto, affecting, as a matter of fact, the apartment building in which I live. It should probably be included in the city of Toronto.

Mr. Lewis: Conflict of interest.

Mr. Nixon: Make it a suburb of Chatham.

Hon. Mr. McKeough: I am hopeful that such minor refinements in municipal boundaries could be undertaken with the mutual agreement of the affected municipalities and with a minimum of disruption and cost to the communities.

As for boundaries in the regional municipality of Niagara, again the majority of responses from the public was against any change, in particular the proposal to establish the new city of Lincoln. No municipal councils supported the change. I am not convinced that this new municipal configuration would of itself protect farmland, as Mr. Archer contends. I am, therefore, of the view that the internal boundaries in Niagara should remain as at present.

Let me now turn to the regional municipality of Ottawa-Carleton. Here, too, boundaries are generating a good deal of response and no little consternation. I think it is important for me to say something now about what should be done about the Ottawa-Carleton boundaries. It is my hope that this can lay to rest the speculation and while I don't expect euphoria, I would like to get on with our analysis of what I consider to be equally, if not more important, issues of roles, responsibilities and electoral processes in local government in Ottawa-Carleton.

Conditions are different in Ottawa-Carleton than in either Metro Toronto or Niagara. For that reason, I think some boundary changes would be in order.

Mr. Roy: Like what?

Mr. Lewis: Just a personal preference, I take it, a kind of a pin on the map.

Hon. Mr. McKeough: There are some that I do not accept. Again it is evident to me that the residents of the areas that would be affected by boundary changes are very concerned and upset about the possible effects on existing local services, local taxes and community identification.

As in Metro, I am not convinced the changes provided substantial benefits to the overall financial position in the arrangements in Ottawa-Carleton. I wish to state today that I am not prepared then to accept the proposal that Rideau and Goulbourn be merged, nor do I accept the proposal that Russell township be included in Ottawa-Carleton.

I would, however, like to encourage the incorporation of a western city in the Kanata area much along the lines proposed. It is my view that that proposal has some general support and the urbanizing area should be within the bounds of one municipality. A shift to Arnprior of some of the northwest corner of West Carleton township makes sense as well.

One of the most controversial propositions was that Rockcliffe Park village and a part of Ottawa be joined to the city of Vanier. I cannot in all conscience propose to continue the situation in which one municipality, Rockcliffe Park, enjoys such an imbalance in the representational arrangements, which is very seriously out of line with our general goal of greater equity.

I, therefore, propose that those parts of Ottawa suggested to go to Vanier remain in Ottawa, that that part of Gloucester remain in Gloucester rather than be joined to Vanier, and that Rockcliffe Park join the city of Ottawa. There may also be some minor adjustments that the municipalities may wish to pursue to adjust boundaries, which we will be pleased to consider.

CITIZEN COMPLAINTS AND POLICE DISCIPLINE REVIEW BOARD

Hon. Mr. MacBeth: Later this afternoon I'll be introducing two bills to amend the Police Act.

Mr. Roy: Is the minister kidding?

Hon. Mr. MacBeth: One bill will establish a new system for dealing with citizens' complaints against the police, a subject on which I have previously addressed this House.

Mr. Roy: Don't get carried away.

Hon. Mr. MacBeth: The bill would create a civilian authority at the provincial level to oversee the handling of these complaints and any consequential disciplining of police officers.

Mr. Lewis: That's a change.

Hon. Mr. MacBeth: Complaints and discipline would be the special focus and responsibility of this new authority. The ministry accepts the principle that the police should not be the final arbiters in their own cause. We are, therefore, proposing the establishment of a new commissioner of citizen complaints who would be independent of the police. The complaints commissioner would be principally concerned with receiving and looking into the complaints of citizens who feel aggrieved by action taken at the local level.

Mr. Lewis: You have already appointed Phil Givens.

Hon. Mr. MacBeth: The complaints commissioner would have the power to order public hearings before a new body known as the citizen complaints and police discipline review board.

Mr. Lewis: This is the Vernon Singer bill, I presume.

Hon. Mr. MacBeth: Under the proposed system, existing local police complaint bureaus would be continued. It is felt that the local police are in the best position to respond to complaints in the first instance, that they have the expertise to conduct a proper investigation and that they have a responsibility to answer the concerns of the citizens they are sworn to protect. The new mechanism at the provincial level would apply to all police forces and would be superimposed upon existing complaint bureaus.

We are indebted to the various studies and reports recently made on this subject. The report of Mr. Arthur Maloney, QC, was of particular assistance in preparing the legislation, as were the reports of the Honourable Mr. Justice Morand and His Honour, Judge Rene Marin. Although no one system could be adopted in its totality, the proposed legislation draws extensively from these reports.

I wish also to advise that the consultation process was very successful in this instance. We are grateful to police associations, police governing bodies, chiefs of police and other interested groups for the full co-operation they have extended during the course of discussions. The points of view were, of course, many and varied, and my ministry was involved in a lengthy process of compromise

and conflict resolution. I now feel, however, that the time has come for action. We must venture into this field in a highly visible way and then let the experience in action decide whether the structure created is doing the job it was intended to do.

Mr. Roy: The minister is hard to recognize on that line.

Mr. Lewis: It is called the Frank Drea syndrome.

Hon. Mr. MacBeth: Under the proposed system, a citizen having a complaint against a police officer might take his complaint to the police force concerned or to the commissioner of citizen complaints. Where possible, citizens would be encouraged to take their complaints to the local police complaint bureau. A police force receiving a complaint would be required to record and investigate it and to keep the commissioner of citizen complaints informed. The chief of police would have a discretion to refer more serious complaints to the complaints commissioner.

The system is designed to encourage the early and informal resolution of complaints at the local level.

[2:15]

The complaints commissioner would act as an external and independent reviewing authority and would oversee the handling of citizens' complaints by police. His jurisdiction would be flexible. He would have a discretion to refer complaints received by him to the local police for investigation and disposition. He might also choose to investigate a complaint and would have an investigative staff for this purpose. The complaints commissioner would also, at the request of a dissatisfied citizen, investigate and review any particular complaint or the procedures followed by the police in its response. The investigatory power of the commissioner of citizens' complaints would be similar to those of the Ombudsman.

The complaints commissioner would be empowered to direct that a public hearing be held before a citizen complaints and police discipline review board where there is evidence of misconduct by a police officer that is of a serious nature. The hearing would follow an investigation of the complaint by the complaints commissioner, either of his own motion or in response to the request of a dissatisfied citizen. The police officer would receive proper notice of any allegation of misconduct made against him. Disciplinary penalties might be applied where the misconduct is established. The bill retains existing safeguards and protections for the rights

of a defendant police officer and further extends these protections.

I expect the members will wish to consider this bill in some detail in committee and re-introduction may therefore be necessary.

The second bill implements the recommendations of the McRuer royal commission inquiry into civil rights and contains other housekeeping provisions.

Mr. S. Smith: Who does the minister have in mind for the commissioner's job?

Hon. Mr. MacBeth: For example, regulations made by a board of commissioners of police would require the approval of the Ontario Police Commission and would be available for public inspection. The bill would also alter the composition of a board of commissioners of police by repealing the requirement that one member be a judge.

The bill also affects police budgets by permitting the municipal council to determine their amount. The board of commissioners of police would, however, have a right to appeal to the Ontario Police Commission and the commission might, after a hearing, order that additional moneys be provided where essential for providing and maintaining an adequate police force in accordance with the police needs of the municipality. Authority would also be provided to pay the legal costs incurred by members of a police force where a royal commission is examining the conduct of a member in the performance of his duties.

Mr. Speaker, it is my hope that this bill will draw the support of the members and receive a speedy passage into law.

I would add that I will also be introducing a third bill to prohibit the use of radar warning devices in motor vehicles.

CONDOMINIUM LEGISLATION

Hon. Mr. Grossman: Mr. Speaker, today after question period, I will be introducing a bill to amend the Condominium Act.

As the hon. members know, my ministry established the residential condominium study group to review the entire area of condominium legislation. I'm sure that the members opposite also know that the government plans to revise the Condominium Act after we have had a chance to analyse the results of that study which I can now assure the House I will be able to table before the House rises for the Christmas break.

Mr. Breaugh: That will be nice.

Mr. Warner: That's speedy.

Hon. Mr. Grossman: I don't like piecemeal legislation and would have preferred to introduce a new Act in its entirety at this time but the import of this particular issue is so

critical that we felt that we had to move immediately to protect those members of the public living in or contemplating the purchase of a condominium.

Mr. Foulds: What about those who have already been hoodwinked?

Hon. Mr. Grossman: This amendment is designed to relieve the difficulties which result to a residential condominium corporation when an individual unit owner is in default of his common expense payments. Under the present Act, liens for unpaid common expenses are subsequent to all other encumbrances, including mortgages. Therefore, unpaid expenses can be collected only after a sale or foreclosure and only after the payment of the outstanding mortgages.

In practice, the condominium corporation is rarely able to collect unpaid expenses. Because of the low equity in many of these units and because of falling property values, there is often little money left over to cover common expenses once the mortgages have been paid. This deficit must be made up by the remaining unit owners.

The condominium corporation should have a speedy means of recovering common expenses owing it. Therefore, this amendment will give liens for common expenses priority over all registered encumbrances with the exception of land taxes and a few other statutory liens. The effect of this will be that the condominium corporation will likely obtain payment of the arrears from the mortgagee. The mortgagee will then be able to add the amount paid for arrears to the outstanding principal due. To prevent the accumulation of unpaid expenses over long periods of time, this amendment provides the corporation must register its lien within three months and at the same time notify the mortgagees of the default of payment of the common expenses.

This amendment applies to all mortgages on residential condominiums only and it will affect unpaid common expenses occurring after January 1, 1978, or such other date as may be named. This amendment will have a number of consequences. It will not only permit a condominium corporation to recover arrears quickly but discourage default of common expenses. Mortgagees will likely collect the common expenses of a unit owner and contribute them to the condominium corporation on behalf of the unit owner. We have included a provision for this in the amendment. Mortgage lenders will likely take more stringent measures to protect their security. They may require larger equity participation by purchasers.

We also expect that they will consider common expense payments when evaluating whether a consumer can afford to purchase a unit. This may result in fewer individuals being able to qualify for mortgage finances. However, we expect that condominium buyers in the future will be much better informed as to the true cost of owning a unit.

We also anticipate that mortgage lenders will play a more active role in the management of the condominium corporation. They may, for example, request reviews of the corporation's books before paying common expenses. This should encourage condominium directors to maintain sound financial management.

This amendment will rectify an inherent weakness in the Condominium Act. The size of common expense payments was not foreseen when the Condominium Act was proclaimed some 10 years ago. Unfortunately, default of common expenses has grown into a serious financial problem for condominium corporations. Therefore, in order to protect the hundreds of thousands of condominium owners in this province, we are introducing this bill at this time. Although I have not yet received the report of the condominium study group, I have assurance that this step is consistent with the overall aims of the group's recommendations.

Mr. Roy: You are not thanking Darwin Kealey for some input into that?

Hon. Mr. Grossman: I wouldn't do that, I'm not partisan.

ORAL QUESTIONS

BOUNDARY PROPOSALS

Mr. S. Smith: A question of the Treasurer, Mr. Speaker: I want to congratulate the Treasurer for putting to rest the boundary matter in the Toronto area but I want to ask him what he now sees as the future for York and for East York in view of the repeated claims which apparently were persuasive to Mr. Roberts—that in the long run there's a certain problem with their ratio of assessment, residential to commercial and industrial. What kind of solutions does he see for the long term viability of those two boroughs?

Hon. Mr. McKeough: Mr. Speaker, this of course would depend on the decision of my colleague, the Minister of Education (Mr. Wells) and his ultimate recommendation with respect to the future of the Metropolitan Toronto school board. At the present moment something like 80 cents on the dollar of

taxes is in fact spread over the whole of Metro between the Metropolitan levy and between the Metropolitan Toronto educational levy so that if there is an advantage or disadvantage, it is really confined depending on industrial or residential assessment ratios. It is really only one-fifth of the problem that it appears to be because it only affects the local levy.

The grants reform committee report, for example, recommended the strengthening of the resource equalization grant. That's a decision of course which I have not yet taken, but I would anticipate that as future grants are developed there will be a greater emphasis in the equalization area—that's just a hunch that I have at the moment—which of course would be to the benefit of the York, East York and many other municipalities throughout the province.

The question, however, I think at the moment is premature. We are not completely satisfied with Mr. Roberts' reasoning in this area and we will be developing figures of our own.

Mr. Warner: Is the Treasurer telling us that although Mr. Roberts identified a financial problem, particularly for the boroughs of York and East York, and put forward a suggestion to correct the problem by moving boundaries, the Treasurer has discarded his suggestion and has nothing concrete to put in its place?

Hon. Mr. McKeough: I pointed out in the statement that even if Mr. Roberts' suggestions were implemented, they would work out to a tax shift of about \$15 or \$20 per household, which is hardly earth-shattering either one way or another, either to those who would pay more by moving or those who inevitably would pay something less. With respect to those who have written and the campaign of some in some parts of Metropolitan Toronto, I don't think the figures prove to be as earth-shattering as some would have us believe them to be.

Mr. Roy: I have a supplementary to the minister's statement in relation to the regional municipality of Ottawa-Carleton. Having rejected the Mayo report's recommendations about certain parts of Ottawa going with Vanier and certain parts of Gloucester going with Vanier and with Rockcliffe now going with Ottawa; and then turning to page six of the minister's statement where he says, "Some boundary changes would be in order," would the minister advise the House and allay the fears of the citizens of Vanier that what he has in mind is to have the city of Vanier join with the city of Ottawa?

Hon. Mr. McKeough: No, I am not suggesting that.

Mr. Elgie: In view of the fact that the borough of East York has no area of land into which it can expand to improve its industrial-commercial tax base, and in view of the fact that it has the most rapidly rising mill rate of any municipality in Metropolitan Toronto, may we then assume that the minister is going to give serious consideration to means of assisting boroughs such as this with any financial problems they may well run into in the years ahead?

Hon. Mr. McKeough: When we have completed our examination of the Robarts report and are in a position to recommend changes to the Legislature, it could be that there may be specific financial recommendations, either in the municipal area or, for that matter, in the education area. Whether that is the ultimately chosen route or whether a strengthening, as I have said, of the resource equalization grant in the unconditional grants mechanism is the best route to follow, I simply don't know at this moment.

However, I think the member can be assured that deciding to stay with the six borough arrangement more or less on the present boundary lines does not mean we are not aware that some boroughs have been perhaps more equal than others and some have been more advantaged than others. Certainly some mechanism will have to be considered, either generally or specifically, where possible, to adjust those inequities, if they are there and depending on how serious they may be.

Mr. Roy: Mr. Speaker, may I ask an additional supplementary?

Mr. Speaker: No, not at this time. We have had the original question and three supplementaries.

POLICE ACCESS TO OHIP DATA

Mr. S. Smith: A question of the Minister of Health: Is the minister now better informed, following conversations with the manager of OHIP, about police access to OHIP information? If so, can he give the House a detailed explanation of how the information is given out, what the procedure is, how the clerks who receive the calls know about it, how the calls are handled, what information is supplied and how often?

Hon. Mr. Timbrell: As the hon. member would know, the investigation of this matter is being carried on. While my colleague the Attorney General (Mr. McMurtry) and I

have had several discussions about the subject, it is by no means yet complete.

This matter arose several weeks ago, at which time I did immediately call in the general manager of OHIP and discussed it with him. I determined that we are talking about basic biographical information or, as it is sometimes referred to, tombstone data. [2:30]

I want to, if I may, while I'm responding to the member's question, indicate that in one of the most recent editorials in the Toronto papers the impression has been left with the people that we're talking about medical files here. That is not the case at all. I should explain that OHIP is organized into two sections, enrolment and claims. The claims section is where one would find the files on services rendered and that information is not given out.

The numbers I don't have yet. I would certainly be prepared, once my colleague has completed his aspect of this investigation and once we have been able to come together and finalize a review of it, to give a complete review of what we've looked at and what we propose to do. In the meantime, particularly in the light of a number of concerns raised with me, I have ordered that the inquiries from the police of whatever force not be answered pending the completion of this investigation and review.

Mr. S. Smith: Supplementary: Can the minister confirm that this policy of giving out so-called enrolment file data goes back to about 1960? Can he confirm that it's given out about 10 to 12 times a year? Can he confirm that the enrolment file states the name, sex, marital status and OHIP number?

If he can confirm those points, will he tell the House two things: First of all, since the address doesn't seem to be included in that enrolment file and since, because of the duplication of names, it's frequently important to have the OHIP number to begin with to get the information, how does such information help in locating criminals?

Second, is this giving out of information not a violation of section 44 of the Health Insurance Act in the minister's opinion? If not, can he table some legal opinion to back that up?

Hon. Mr. Timbrell: To answer the last part first, I would have to be guided on that by my colleague, the Attorney General, particularly because of that concern which has arisen in recent days, that perhaps there is some doubt in some people's minds, from what I've read in the press, about legality

of that section, that I've ordered a suspension of the answering of any such inquiries.

I believe the practice goes back to 1959. As to the numbers, offhand I can't answer that at this point, but certainly will attempt to do so when I respond at a later date once all of this is complete.

Mr. S. Smith: What about the address? Is the address part of the data?

Hon. Mr. Timbrell: The address I believe is on the card.

Mr. S. Smith: Is the address part of the enrolment data?

Hon. Mr. Timbrell: Of the enrolment data? I believe it is.

Mr. Lewis: Supplementary: Can the minister explain to us why he is toying with this subject this way? Why is he not prepared to indicate to the Legislature now who releases the material to the police when it is requested? Why are we forever delayed in getting access to that kind of specific detail for which there is no need for an extensive or exhaustive police investigation? How does it go out regularly when section 44 is so explicit that only the name can be given? How is it that OHIP is prepared to give material beyond that?

Hon. Mr. Timbrell: I think that's the problem. There is some disagreement among the legal types as to what section 44 does actually mean. I must tell the member that even within my own legal branch I'm getting different opinions from different lawyers. That's something we've got to sort out and that's why I've suspended the answering of any inquiries.

Mr. Lewis: Who gives the information?

Hon. Mr. Timbrell: The thing is the member could go into the Toronto regional office of OHIP to confirm his enrolment, to check the status of his enrolment—

Mr. Lewis: Thank you very much.

Hon. Mr. Timbrell: —at 2195 Yonge Street. I couldn't do it for the member. He'd have to do it or he would have to designate someone as being—

Mr. Reid: Have the RCMP do it for you.

Hon. Mr. Timbrell: Yes, that could be arranged, I think.

Mr. Roy: Obviously you have in the past.

Mr. Lewis: Don't divert. What about the police? Who gives it to them?

Hon. Mr. Timbrell: The police would inquire of either the head office, the enrolment branch, or they could go—

Mr. Reid: Who authorizes it?

Mr. S. Smith: It is in the enrolment manual of OHIP.

Hon. Mr. Timbrell: —as has been the case, to the regional office, the local OHIP office.

Mr. Lewis: It's great. It is like a sieve.

Mr. S. Smith: A supplementary: Is the minister aware that the general manager of OHIP has today confirmed to us that the address is not part of the enrolment file? Under these circumstances, can the minister explain how such a file can be useful in locating possible criminals? Under these circumstances, is he satisfied that the OHIP number is not being utilized to gain access to some other medical document?

Hon. Mr. Timbrell: Mr. Speaker, I said earlier that I believed it was. I will check that out.

Mr. McClellan: You are wrong again.

Hon. Mr. Timbrell: I am not in the business in this portfolio of apprehending criminals, so I would defer to people expert in that.

Mr. Foulds: You are not even in the business of finding out what is going on in your ministry.

Mr. Deans: Supplementary: Mr. Speaker, I wonder if the minister could outline exactly what the procedure is for anyone, the police in particular, to be able to gain access to any information. I have been trying to get that now for almost two weeks. Surely there is a laid-down procedure which determines who is authorized to give out information to anyone under any circumstances.

Mr. S. Smith: It is in the enrolment manual.

Mrs. Campbell: Read it.

Hon. Mr. Timbrell: Would the member like me to read the section of the guideline on that? I know that there is a guideline on that.

Mr. Lewis: Read it yes, by all means.

Mr. Swart: Read it.

Mr. Lewis: Don't flip through the papers in an engaging way, read it.

Mr. Speaker: Order, please.

Hon. Mr. Timbrell: I'll try to answer the question in an engaging way, then. I think the member's earlier questions had to do with hospital records. As I indicated to the Speaker, I certainly have an answer on that, which I did try to give to the member last week, but time ran out and I wasn't called to give it.

But with respect to how the system is organized, what I indicated earlier was that

when the Attorney General's aspect of the investigation is complete, when he and I have had a chance to talk about it—

Mr. Lewis: The minister is afraid to read it, isn't he?

Hon. Mr. Timbrell: No, I am about to.

Mr. Lewis: Then read it, man, read it.

Hon. Mr. Timbrell: I will decide how I will answer the question, thanks very much.

Mr. Foulds: Why are you stonewalling?

Mr. Roy: Do you know what is going on or don't you?

Mr. Wildman: In other words you don't want to read it.

Hon. Mr. Timbrell: Why doesn't the member just tell me the answer he wants and I'll decide whether I want to give it to him? That is the way it is sounding.

Mr. Lewis: I want to hear the section.

Mr. Speaker: Why doesn't the hon. Minister of Health just answer the question?

Hon. Mr. Timbrell: Thank you, sir, I will.

Mr. Wildman: Redirect it to the Minister of Energy (Mr. J. A. Taylor).

Hon. Mr. Timbrell: The member is going to break his neck, he is having to lean down to listen to this.

[With respect to police matters, the manual says: "In situations involving police matters, the inquirer's identity, rank and location must be established and confirmed before any information can be given concerning an OHIP subscriber." The practice has been—

Mr. Foulds: But who does it?

Hon. Mr. Rhodes: You are losing control.

Hon. Mr. Timbrell: The staff in the enrolment branch. That is what I have been telling you.

Mr. Foulds: Anybody.

Mr. Warner: Everyone.

Mr. Speaker: The hon. member for Scarborough West with a new question?

Mr. Lewis: I'd like to come back to this, sensing in the minister's reticence something more than has been revealed. Could he perhaps read us the paragraph which prefaces what he just read, repeat what he just read, and the paragraph that follows? Could he do that, just as a decent sort?

Mr. Reid: Or table the whole bunch.

Mr. S. Smith: The clerk has instructions.

Hon. Mr. Timbrell: Mr. Speaker, the earlier section has to do with checking the correctness of OHIP numbers, which is for inquiries from subscribers. Just to read it again: "A subscriber's OHIP records are to be treated

as confidential and are not to be available to general inquiries. In situations involving police matters"—as I indicated—

Mr. Lewis: Just slowly. More slowly.

Hon. Mr. Timbrell:—"wherever possible such police inquiries should be made in writing." And that is the practice of the enrolment section.

Mr. Lewis: "Wherever possible."

Mr. S. Smith: Oh, no. There is no log kept.

Mr. Lewis: Do you have any indication that the police inquiries have been made in writing? Do you have a file of written police inquiries about individual OHIP enrolments?

Mr. S. Smith: No log is kept.

Hon. Mr. Timbrell: It is not available to me at this time.

Mr. Lewis: That is why you don't read that stuff. It's ridiculous.

Hon. Mr. Timbrell: There is nothing here to read.

Mr. Roy: You are stonewalling.

Mr. Reid: When the minister took over as Minister of Health, was he briefed by the senior officials in his ministry as to the fact that this practice in fact was going on? When did he first learn as minister that this information was being made available?

Mr. S. Smith: One week ago, Dennis. Why don't you just say so?

Hon. Mr. Timbrell: This was not one of the areas that was highlighted at that time. I was not aware that it was a potential problem until recently, at which time I did—

Mr. Reid: Don't you think you should have been?

Mr. Foulds: You really don't have a grasp of that ministry, do you?

Hon. Mr. Timbrell:—bring in the staff to begin an internal investigation of what exactly is our procedure.

Mr. Duksza: Supplementary: Does the minister remember two weeks ago in the beginning of estimates denying that the whole process took place?

Hon. Mr. Timbrell: In the what?

Mr. Duksza: Does the minister remember during the beginning of the Health estimates saying that this procedure did not take place and he had no knowledge of it and it could not possibly happen in the Ministry of Health?

Mr. Lewis: That's right.

Hon. Mr. Timbrell: No, with respect, Mr. Speaker—and I could be corrected, we'll check Hansard—I believe that had to do with the medical records. Again, I point out we are talking about the activities relating to the en-

rolment section which is dealing with basic biographical data, not with the claims branch which is dealing with medical records.

Mr. Lewis: Not good enough. You have nothing in writing. No laws.

Mr. Speaker: Final supplementary, the hon. member for Ottawa East.

Mr. Roy: In view of the great public concern about this issue and the fact that it has been raised now for two weeks, and that the member for Don Mills is the Minister of Health, as I last recall, is he not in a position to tell us whether any of this information was furnished pursuant to any court order or to any process of the court pursuant to section 44 of the Health Insurance Act?

Mr. Lewis: Section 44(2)(e).

Mr. Roy: Can he not tell us whether any procedures at all that he is aware of were taken through the courts to get this information?

Hon. Mr. Timbrell: What we have been discussing here, Mr. Speaker, have been the—if you will—inquiries for the basic biographical data.

Mr. Roy: That might be required, if he has to go through this.

Hon. Mr. Timbrell: That is exactly why I indicated earlier I have ordered a suspension of the answering of inquiries because certain legal minds have indicated that they have some doubt as to this situation.

Mr. Roy: The minister doesn't know what is going on.

Hon. Mr. Timbrell: So until that is cleared up and until the Attorney General and I have a chance to discuss this matter, once he has completed his part of the investigation those inquiries will not be answered.

Mr. Speaker: The hon. member for Scarborough West with his final question.

Mr. McClellan: On a point of personal privilege, Mr. Speaker.

Mr. Speaker: Is it urgent?

Mr. McClellan: Yes. With respect to the minister's answer of a few minutes ago I want to bring to your attention that on November 15 the minister said, in the estimates debate on page 655 of Hansard, as follows: "However, the information"—

Mr. Speaker: Whose privilege is being abrogated?

Mr. Lewis: Our privilege. It is misinformation.

Mr. McClellan: May I state the point and then you can decide?

Mr. Sargent: He can ask a point of privilege any time he wants to.

Mr. McClellan: With respect, I would like to state the point and then you can determine whether it is.

Mr. Speaker: I can't hear the hon. member.

Mr. McClellan: "However, the information that I have had to date is that there is no record of any contact, certainly no authorization or any sort of thing between OHIP and the RCMP." The minister said that on November 15.

Hon. Mr. Timbrell: I answered that.

Mr. Deans: Which means that someone has been misled.

Hon. Mr. Timbrell: With respect, I believe I answered that. I'm trying to find it; I've got the regular Hansard. I believe that what we were talking about was a medical record and certainly that was the overriding concern, that medical records not be released.

Mr. Lewis: Were you giving me a supplementary, a final supplementary?

Mr. Speaker: No, I was giving you an opportunity to place your second question.

Mr. Lewis: Thank you, sir. Well, I was trying.

PSYCHOLOGICAL TESTING OF POLICE

Mr. Lewis: May I ask of the Solicitor General, in the legislation which he will introduce today is there a provision pursuant to the Pitman task force on racism that the police should study the need for psychological testing of police recruits; that is to say, that a psychological testing apparatus be put in place for the hiring of police recruits?

Hon. Mr. MacBeth: In the legislation that I intend to introduce today, sir?

Mr. Lewis: Yes.

Hon. Mr. MacBeth: No, there is nothing to do with that at all in that legislation. I'm speaking from memory but it deals with citizens' complaint procedures.

Mr. Lewis: The second bill I meant.

Hon. Mr. MacBeth: No, the second bill has no reference to that at all. The answer is no.

Mr. Lewis: All right. By way of supplementary, if it is not covered in existing legislation and since it is a specific and provincial initiative which could be taken as a result of Pitman's recommendations, is the minister prepared to act on it?

Hon. Mr. MacBeth: Mr. Speaker, I have asked today for a copy of that report from Mr. Pitman which as you know went to the city council. I haven't seen that report yet but certainly the very fact that I have asked for it shows we are interested in it. I'll take

whatever those recommendations he may make in regard to racism under advisement. [2:45]

The second bill will, I hope, go to committee and since it deals with the police legislation there may be provision at the committee stage, both on our suggestion or on your suggestion, to introduce amendments at that time. But certainly we'll take it under advisement, sir.

USE OF INFLUENCE

Mr. Cunningham: Mr. Speaker, my question is for the hon. Solicitor General. I'm wondering what would cause the RCMP to launch an investigation into "alleged municipal corruption in the city of Mississauga." And what was the nature of the strain that existed between the RCMP and provincial authorities?

Hon. Mr. MacBeth: Mr. Speaker, I know very little about that situation, except that some time ago there was an investigation going on in Mississauga. I understood that it had come to termination, from the OPP's point of view, when it found that the RCMP was involved. From information they had, they considered it was purely a matter of provincial jurisdiction, I think, and as far as I know there was no matter of RCMP jurisdiction at all. So it's a matter of the RCMP looking after their matters and the OPP looking after theirs.

Mr. Cunningham: Supplementary, Mr. Speaker: Is the minister aware of whether or not there is any investigation currently under way with regard to the possibility of arson in the fire at Judge Stortini's personal residence?

Hon. Mr. MacBeth: I don't know of any, sir, but I'll make inquiries.

NURSING HOMES

Mr. Warner: To the Minister of Health: Since it's now evident that the nursing homes inspection branch has been reluctant to prosecute nursing homes for violations of the Act, and that a lot of pressure has been put on the tough inspectors who've been in the ministry, will the minister now agree that we need a full inquiry with the inspection reports being released so that we can get to the source of the problem, correct it, and by so doing protect the dignity and well-being of the residents of the nursing homes in the province of Ontario?

Hon. Mr. Timbrell: Mr. Speaker, I think we've been through this very well and if I may, at the conclusion of this, read from Hansard for estimates where we were talk-

ing about medical records, because my answer stands there.

But with respect, I can only repeat what I said in estimates, and that is so far as I'm concerned—and I can only answer for myself—the inspectors in that branch have every authority from me to be as firm as necessary where they think it is warranted, to recommend prosecution or move to revoke licences; and they will be backed up in their firmness.

Mr. Warner: Supplementary, Mr. Speaker: Since Mr. Malcolm Walker, the director of the Ontario Nursing Home Association asserts that the ministry has been, and I quote his words, "a little soft in its treatment of cases where the nursing home has violated the Nursing Homes Act," how many more horror stories must I and my colleagues raise in this assembly before the minister will admit that we need a full inquiry into the nursing homes in this province?

Hon. Mr. Timbrell: As the hon. member knows we have 378 nursing homes in this province.

Mr. Lewis: That's not very many.

Hon. Mr. Timbrell: I detailed to the committee, I guess it was last week, the thousands of inspections that are carried on every year, routine inspections and inspections in answer to complaints. I suppose, if the member wanted to take one complaint at a time, we could try every day to run through an individual complaint and try to make that an issue.

Mr. Laughren: Won't wash.

Hon. Mr. Timbrell: I'm saying to the member that I'm satisfied first of all that my inspectors understand how firmly I feel on this. Secondly, I'm telling the member that we have reviewed the Act and the regulations, as he knows, and I've put forward certain recommendations; and we are certainly prepared to receive reactions to that and additional recommendations on how we might further bring the Act up to date.

Since 1972, when my predecessor Dr. Potter brought in the new Act, we have done a lot to clean up the nursing home situation. A total of 208 of the facilities which existed at that time have for one reason or another since been closed. I suggest to the member that the kind of expensive inquiry that he's talking about would not do as much good as we are doing in trying to strengthen the Act and carry it out.

LIQUOR ADVERTISING

Mr. Baetz: Mr. Speaker, I have a question for the Minister of Consumer and Com-

mercial Relations. In view of this Legislature's concern with the minimum legal drinking age and the related question of liquor advertising, and in view of the fact that the latest edition of Maclean's, our own unofficial national magazine, with a total of 80 pages, had an aggregate of no fewer than 21 pages on liquor advertising—

Mr. Lewis: That's Maclean's contribution to national unity.

Mr. Samis: Try Saturday Night.

Mr. Baetz: —does the minister feel that it is within his mandate to ask Maclean's at least to reduce its liquor advertising and thus practice one of its advertiser's own exhortations that those who think of tomorrow practice moderation today?

Mr. Samis: What about free enterprise?

Mr. Lewis: Stay out of the private sector.

Hon. Mr. Grossman: As a matter of fact my ministry, in conjunction with the Liquor Licence Board—

Mr. Laughren: Leave free enterprise alone.

Hon. Mr. Grossman: —is currently considering some changes which would affect the amount of advertising and put some restrictions in terms of the number of inches and the number of times in a particular issue of a magazine as to advertising to be permitted.

Mr. Makarchuk: Does the minister mean he is going to interfere with free enterprise?

Mr. Laughren: The minister wouldn't.

Hon. Mr. Grossman: These things are under careful consideration. We may be bringing them forward in the near future. This is within the context of our plans to present a complete package in the spring. Either there will be something forthcoming in the near future—

Mr. Swart: Or there will not.

Hon. Mr. Grossman: —on this specific subject or it will be part of our spring package pursuant to the statement of the Premier (Mr. Davis) of November 10.

Mr. Conway: Can the minister give us at this point in time anything specific by way of proposals he might entertain to redress the concerns so properly put by the member for Ottawa West about the serious implications that this lifestyle advertising has for this matter of public concern?

Hon. Mr. Kerr: Lifestyle?

Hon. Mr. Grossman: Yes, specifically I would entertain a lot of proposals. A lot of them would relate to the numbers, as I say, of column inches that can be used in a particular issue, and the number of different pages.

Mr. Wildman: That's not very specific.

Mr. Lewis: Baloney. You'll have 15 per cent instead of 25 per cent.

Hon. Mr. Grossman: I'd be happy to entertain any of those.

With regard to which ones we are entertaining, obviously the member will see what our final determination is on those things right now. It wouldn't take a genius—even the member for Renfrew North could figure it out—to determine what the various alternatives are.

Interjections.

Hon. Mr. Grossman: We could permit two in an issue or 10 or three or one in an issue. What I'll finally decide to recommend remains to be seen.

An hon. member: Beer in the ball park.

Mr. Wildman: What does the minister carry over there—a flask?

Mr. Makarchuk: Does this ministry or any agency of this ministry still examine each and every ad before it's submitted to the magazines and newspapers or television?

Hon. Mr. Grossman: As I understand it, it examines the ads that go into these publications.

Mr. Makarchuk: So the minister is aware of it.

Hon. Mr. Grossman: Yes, I am aware of it, though not the numbers. The advertisements themselves must be approved at the Liquor Licence Board.

Mr. Warner: Expand the Liquor Act.

Mr. Speaker: The hon. Minister of Health has the answer to a question asked previously.

USE OF MEDICAL DATA

Hon. Mr. Timbrell: On November 17, the hon. member for Wentworth asked under what conditions institutions and agencies of the Ministry of Health make available the personal or medical records of patients or of citizens of Ontario to the police authorities. He further requested that the authorizing directions or guidelines be placed before the House and he requested—

Mr. Lewis: Stop mumbling.

Ms. Gigantes: Mr. Speaker, what's the use? We can't hear a word.

Mr. Lewis: Mr. Speaker, on a point of privilege, the Minister of Health deliberately mumbles through with rapidity when there's something he doesn't want us to hear. Speak up, young man.

Mr. Breaugh: And stand up straight.

Mr. Hodgson: The member for Scarborough West should sit down. Shame.

Mr. Sargent: Why doesn't the minister see the Minister of Colleges and Universities (Mr. Parrott) and get a better set of dentures?

Mr. Speaker: It might help if the members were a little quieter. Then they'd be in a better position to hear the answer.

Hon. Mr. Timbrell: I'm tempted to suggest it's not the rate at which the answer is read, but rather the rate at which it's comprehended that's the problem.

Mr. Lewis: That's all right. But for the slow comprehenders, speak very slowly.

Hon. Mr. Timbrell: For the member's benefit, I will speak very slowly.

Mr. Lewis: Thank you.

Mr. Speaker: But promptly.

Hon. Mr. Timbrell: Yes, Mr. Speaker, with all due dispatch.

On November 17, the hon. member for Wentworth asked under what conditions institutions and agencies of the Ministry of Health make available the personal or medical records of patients or of citizens of Ontario to the police authorities. Are members all right so far?

Mr. Lewis: That's very well done. Very nicely done.

Mr. Sargent: I knew he could do it.

Mr. Makarchuk: We'll give the minister a passing grade.

Hon. Mr. Timbrell: He further requested that the authorizing directions or guidelines be placed before the House and he requested a determination of whether or not it is or has been standard practice in institutions to allow police to remove patients' records from the hospital.

The regulations regarding patient records are: For public hospitals, article 48, regulation 729, the Public Hospitals Act; and for psychiatric hospitals, section 3, regulation 578, the Mental Hospitals Act. In the public hospitals, the regulation is specific. It says the board shall not permit any person to remove, inspect or receive information from a medical record unless they have a court order, which must stipulate that it is to inspect, or to inspect and remove, a record.

Mr. Martel: The Mounties don't need that information.

Hon. Mr. Timbrell: In our psychiatric hospitals, the only ways in which a patient's records are made available to the police are through the consent of the patient, a search warrant or a subpoena.

There is no log kept of this type of request. However, a copy of the document authorizing release of information is kept on the patient's file.

Mr. Deans: A supplementary: In the case where the police removed the original file, how then could the record of the subpoena be kept in that file in the hospital?

Hon. Mr. Timbrell: I'm trying to remember. I asked that same question some time ago. I believe the answer I got from the staff in that area was that in such cases we give a copy of the file and keep the original.

Mr. Deans: A supplementary: Will the minister order an investigation into all of the files removed from the Hamilton Psychiatric Hospital during the year 1970-71, to determine whether or not there were, in fact, subpoenas presented that are now on file? Would he further investigate, with all of the staff who were then in the employ of the hospital how it could be that the original file of a patient could be removed from the premises and never returned? What became of the file?

Hon. Mr. Timbrell: If the member will give me the name which I take it he must have—and I heard from a reporter last Friday he had a concern—I'll do that.

Mr. Lewis: There won't be that many files removed, I hope.

Hon. Mr. Timbrell: I'll look into that.

Mr. Speaker: We'll have one final supplementary. The hon. member for Ottawa East.

Mr. Roy: In view of his answer pertaining to the Public Hospitals Act and the Mental Health Act, can the minister advise whether there was any communication with the police and various hospital in the province? Secondly, is he aware at all of any court authorizations or the disclosure of this information to the police?

Hon. Mr. Timbrell: Apparently there are court actions under way at all times, from people seeking to get the records out for one reason or another.

I didn't understand the first part of the member's question, I'm sorry. What was it in connection with?

Mr. Roy: If I may rephrase the question. From reading the minister's estimates, I'm confused where he said there was no contact between OHIP, or people in his ministry, and the RCMP. He said twice that there was no contact. In view of that answer, and the answer that the minister is giving here today, was there contact and if there was, is he aware of any court authorizations

allowing his officials, whether in hospitals or in OHIP, to release this information to the police?

Hon. Mr. Timbrell: If the member likes, I could read what was talked about in estimates into the regular Hansard and for my own purposes I'd almost like to because it does confirm what I said earlier in response to the point of privilege from the member for Bellwoods. But here we're talking about hospital records, and there we were talking about OHIP records.

Mr. Roy: I can read.

Hon. Mr. Timbrell: I didn't understand the member's supplementary because we were talking about hospital records.

Mr. McClellan: What you said is very clear.

Mr. Roy: I appreciate that.

SCHOOL CONSTRUCTION

Mr. Van Horne: I have a question for the Minister of Education. Can the minister tell us if the policy on school capital financing enunciated by him on December 18, 1975, is to be changed for the fiscal year 1978-79?

Hon. Mr. Wells: If my friend means the criteria that we enunciated at that time, the criteria will remain in effect for the next year. The amount of money that is allotted may change.

Mr. Van Horne: A supplementary: The minister may not have this information available, but I would like to know the total number of projects submitted and what percentage the ministry was able to accommodate in this present fiscal year. Does he have that information?

Hon. Mr. Wells: I can get that information for my friend and I'd be happy to, Mr. Speaker. I can tell him that of the total number that were submitted, nothing like the total number were able to be accommodated. The school boards of this province still do not seem to realize that enrolment is declining and capital is very short. Many, many projects are submitted and they're not able to be supported.

Mr. Wildman: The enrolments are going up.

[3:00]

LICENCE FEES

Mr. Germa: Mr. Speaker, a question of the Minister of Transportation and Communications: With reference to passenger vehicle registration fees in northern Ontario, for very obvious reasons many people in the north use

half-ton trucks and four-wheel-drive vehicles as a means of private passenger transportation. Yet they are precluded from—

Mr. Speaker: Question.

Mr. Germa: —registering their vehicle in the normal fee structure. Will the Ministry of Transportation and Communication not give consideration to allowing these types of vehicles to be registered for the ordinary fee, rather than the \$60 fee which presently is going to apply?

Hon. Mr. Rhodes: It was announced a week ago, Bud.

Hon. Mr. Snow: Mr. Speaker, I don't know where the hon. member has been for the last two weeks. I made a statement in this House about two weeks ago, and press releases and announcements have been made on this whole matter.

Mr. Conway: Next.

Hon. Mr. Snow: I don't know where the hon. member has been.

Mr. Reid: Mr. Speaker, I remember the statement well. I was going to ask about it that day. But in the statement the minister restricted it to vehicles of 5,000 pounds or under. Would the minister consider looking at it once again, as many half-tons used in northern Ontario are in the 6,000 to 8,000 pound range?

Hon. Mr. Snow: Mr. Speaker, I have looked at this very carefully and I am quite confident that there is no vehicle in the 6,000 to 8,000 pound range that is necessarily in that range if it's for personal transportation. If there is a vehicle in that range, it's obviously a commercial vehicle used for commercial purposes.

LOT LEVIES

Mr. Epp: Mr. Speaker, I have a question for the hon. Treasurer: Given the recent decisions of both the Ontario Municipal Board and divisional court to disallow lot levies in municipalities as they apply to zoning bylaw changes, proposed plans of subdivision, and lot severances, and given that there are serious problems that have developed in many of the municipalities to the extent that either they can cut off redevelopment in the municipalities or run the risk of losing many millions of dollars in lot levies, what is the Treasurer planning to do for these municipalities with respect to these court decisions?

Hon. Mr. McKeough: Mr. Speaker, is this a recent decision?

Mr. Epp: Within the last few months, Mr. Speaker.

Hon. Mr. McKeough: I am sorry, I am not familiar with it. Perhaps the Minister of Housing (Mr. Rhodes) is more familiar with it than I am.

Mr. Epp: With respect, Mr. Speaker—

Hon. Mr. McKeough: I will take the question as notice and get back to the member.

Mr. Epp: With respect, Mr. Speaker, this pertains to the Municipal Act and I understand that the Treasurer is responsible for the Municipal Act.

Mr. Speaker: He will take it as notice.

ASSISTANCE TO PENSIONERS

Ms. Bryden: Mr. Speaker, I have a question for the Minister of Community and Social Services: Is it true that disabled persons who are on CPP and also on partial family benefits, either as permanently unemployable or as disabled, do not benefit from any cost of living increase in CPP payments and have their family benefit allowance reduced every time there is a cost of living increase? Is this correct?

Hon. Mr. Norton: Yes, Mr. Speaker, it is. It is my understanding that under the Canada Assistance Plan once the levels of assistance to individuals have been agreed to, we are also required to incorporate into the calculation of the person's income any increases which may result from increased allowances from the federal or other sources provincially or from private sources. We have no alternative in that situation but to include that in the calculation which usually results in a comparable reduction if the person is already at the maximum level of assistance under the plan.

Ms. Bryden: Supplementary, Mr. Speaker: Does it not seem inequitable that people who are on GAINS as pensioners get increases in the cost of living from federal programs passed through to them, such as OAS and GIS increases, but people who are on disabled allowances get no increase in the federal cost of living increase? And has the minister made representations to the federal government that this inequity should be eliminated?

Hon. Mr. Norton: I think it is a little more complicated than that. There is also the very real possibility of other kinds of inequities that would creep in if the proposal that the hon. member makes was put into effect. I have had this under consideration and I am concerned about some of the other complications as well.

Take, for example, two individuals whose needs might be calculated at \$400 per month,

for the sake of argument. If the one individual had a source of assistance from say the Canada Pension Plan as well, or from some other source privately, that person would be receiving the \$400 basic plus whatever over and above that the increases might be, while a person who is in equally needy circumstances but is without the eligibility for Canada Pension Plan or other private sources, would suffer as a result of that kind of proposal the member is making.

So there are inequities that would result from her suggestion, just as much as the inequities that exist under the present system. I am not sure what the answer is.

POLICE ACCESS TO OHIP DATA

Mr. Bolan: Mr. Speaker, this question is for the Minister of Health, again on the question of his OHIP records, which is turning out to be very interesting.

I take it from the various answers that the minister has attempted to give this afternoon that some of this so-called tombstone information which was given out pursuant to section 44 of the Health Insurance Act was, in fact, given out without the requirement of a subpoena or a court order?

Hon. Mr. Timbrell: That is the problem and is why I have suspended answering such inquiries, because the practice has been to answer without subpoenas and court orders, whatever, such inquiries for basic biographical information.

Mr. Roy: Aha! Your policy is against the law.

Hon. Mr. Timbrell: I think that's clear. The reason I have suspended it is that there is some concern expressed by some of the lawyers advising me and the government that this may not, in fact, be legal. There are as many or more who say it is, but because there is any doubt at all—

Mr. Foulds: If you don't know, why do you do it?

Hon. Mr. Timbrell: —I have therefore suspended the answering of any such inquiries.

Mr. Bolan: Supplementary: That may be the case, but the fact still remains, does it not, that there was, in fact, tombstone information given out without the requirement of a subpoena or a court order?

Hon. Mr. Timbrell: I have never denied that. I should say that at the time all this investigation started, and in the dealings between my colleague and the RCMP and so forth, there was no indication that it was in any way illegal. Since then other opinions

have come to light among our respective staffs that indicate that it might just be. Because it just might be, therefore, it has been suspended.

Mr. Conway: No supplementaries allowed for that?

Mr. Speaker: No.

Mr. McClellan: We have not had any supplementaries on this side of the House.

SAULT JAIL

Mr. Wildman: I have a question of the Minister of Correctional Services. In view of the statements last week by Dennis Lock, superintendent of the Sault district jail, that the facility there in the city was close to 50 per cent over-capacity, and in view of the minister's statement during his visit to the Sault last weekend that although the jail wasn't as crowded as he expected he was looking at ways to reduce demands for space, such as a reopening of the summer forestry camps, when does the minister expect to reply to my letter of last month requesting him to deal with overcrowding at the Sault jail, and will his solution involve the renovation and reopening of McCreight's Camp?

Hon. Mr. Drea: I told the hon. member when I received the letter last month that I would reply to him after I visited the Sault jail. I am very pleased to reply to him today.

Mr. Bolan: What about the chain gangs?

Hon. Mr. Drea: It is quite true that on the average the Sault Ste. Marie district jail is about 50 per cent over capacity. When I visited there last week the count was lower than usual. As a matter of fact, there was only one person who couldn't be fitted into available accommodation.

The difficulty with reopening the specific work camp is that the facilities are somewhat outdated. I intend to open an equivalent operation in the area, whether it is on the road or whether it is back in the bush. I believe the type of work done in camp previously was much more beneficial than sitting around in a cell all day.

Mr. Bolan: Was that the chain gangs?

Hon. Mr. Drea: In all fairness, there are no chain gangs in North America. They're precluded by court.

Mr. Kerrio: We're getting there.

Hon. Mr. Drea: We have forestry gangs. I have a great many of them. I'm going to have road gangs.

Mr. Conway: Cool-Hand Frank.

Mr. Speaker: Order, please.

Mr. Sargent: Would the minister define the road gang or the bush gang? Will he define that for me, please?

Hon. Mr. Rhodes: You define that, Eddie. You have been on both of them.

Hon. Mr. Drea: A road gang, a forestry gang, a bush gang or a parks gang are a group that work outside of the institution under the direct supervision of a correctional officer.

Mr. Bolan: Chain gang.

Mr. Peterson: Tory gang.

Mr. Sargent: Cool-Hand Luke.

RESOURCE EQUALIZATION GRANTS

Mr. Bradley: A question for the Treasurer: Is the minister prepared to convene a meeting of the mayors of the cities adversely affected by the equalization factor used to calculate the resource equalization grant in municipalities such as St. Catharines, Burlington, Kingston and Sudbury, in order that they might present their cases for rectifying this inequity, thereby according these mayors the same opportunity as the mayors of Sarnia and Windsor?

Hon. Mr. McKeough: No.

Mr. Havrot: Brief and to the point.

Mr. S. Smith: Why not?

Mr. Bradley: It's unfortunate that this is not the case. May I ask the minister this then: Would the minister then undertake to provide to those municipalities affected, information from his ministry clearly indicating the short-fall of grants they've experienced over the last few years and the adverse financial position they may expect to be in until 1979, in order that they will be able to negotiate with the ministry to gain their fair share of provincial grants?

Hon. Mr. McKeough: Mr. Speaker, I have not supplied that information to anyone, to my recollection. The information was deduced by Windsor and Sarnia, and I assume that other municipalities have done the same thing. There's no information, to my knowledge, that is being requested of me; nor have I been requested to either arrange a meeting or convene a meeting by the municipalities, as the member mentioned. It isn't a question of courtesy; I have only heard from Windsor and Sarnia at this moment, to the best of my knowledge.

FACILITIES FOR RETARDED

Mr. McClellan: I have a question of the Minister of Community and Social Services: May I ask the minister whether he's prepared now to report the alternate proposal of the

Metro Association for the Mentally Retarded for a number of small residential facilities located throughout the whole Metropolitan area, as a specific, realistic and achievable alternative to the 150-bed mini-institution for the mentally retarded proposed for Rexdale, or to some variation thereof; in effect a mini-institution in an industrial setting?

Hon. Mr. Norton: The report of the task force I established during the summer has now been dealt with by the district working group and has been received by the ministry. In fact it's my understanding that sometime this afternoon there is a meeting of the resource planning committee of the responsible division of the ministry. I expect that I myself—and I assure you for the first time—will be receiving that report accompanied by the comments of the district working group and the comments of the planning group within my own ministry, either late today or tomorrow. I would hope that within a matter of a few days, after I've had an opportunity to review that material and give it some careful consideration, I will be in a position to announce what my intentions are.

Mr. McClellan: Supplementary: Is the minister saying at this point he doesn't have the slightest idea what the status of this mini-institution is?

Hon. Mr. Norton: I have not seen the recommendations of the task force yet. They have been received by the ministry, they have not been received by me. I will be receiving them, along with the recommendations and the responses from all of the participants in the planning process. The recommendations, once received by me, will receive immediate consideration.

Mr. McClellan: In other words, you don't know.

[3:15]

GLENDALE TRAINING CENTRE

Mr. G. I. Miller: I have a question of the Minister of Correctional Services: I was wondering if there is any truth in the rumour that the Glendale Training School in Simcoe might be closing?

Hon. Mr. Drea: Mr. Speaker, there are a number of institutions being looked at. I haven't come to a definitive conclusion on any of them, other than the Don which will close December 31, period.

Mr. G. I. Miller: As a supplementary, Mr. Speaker, is the staff going to be consulted on this matter or is there any warning going to be given to them?

Hon. Mr. Drea: Mr. Speaker, the member is almost taking it as a fait accompli. Is he talking about that particular institution or is he talking about all the institutions? If he is talking about any institutions I plan to close, just as in the case of the Don Jail the union is fully consulted in advance.

FACILITIES FOR DISTURBED CHILDREN

Mr. Foulds: I have a question of the Minister of Community and Social Services: I wonder if the minister could tell me what he is going to do to establish adequate facilities in Thunder Bay for disturbed adolescents, especially in view of the statement by Malcolm Shookner, a program analyst—

Mr. S. Smith: Disturbed adults get elected there.

Mr. Foulds: —with the children's services bureau in Thunder Bay? He made the statement in Thunder Bay at the end of September, "Things we take for granted in the south don't exist here." Especially, what steps is the minister going to take to establish a safe and adequate holding place for adolescents who opt out? There is no facility in Thunder Bay except the Donald Street lockup; or an ex-lockup in the basement of Cameron Street, which is used for the Lakehead Psychiatric Hospital adult wards.

Mr. Laughren: What a dismal record the ministry has.

Mr. Lewis: Dreadful.

Hon. Mr. Norton: Mr. Speaker, I am not sure I caught all of the quotation that was read into the record from the gentleman in Thunder Bay—

Mrs. Campbell: Don't ask him to repeat it.

Hon. Mr. Norton: —but I would indicate, as I have before in the House, that there are two areas of particular priority in the establishment of improved services for children. One of those serves the children in the north, with particular focus as well on francophone and native children. I hope to be in a position to make some concrete announcements about that as soon as we are moving into our next year. I expect we will be able to move ahead with those within the next fiscal year.

Mr. Foulds: A supplementary, Mr. Speaker, for clarification: Is the minister then telling me that the current situation that exists in Thunder Bay at the present time for disturbed adolescents, referring them to the Donald Street lockup and so on, will continue at least for the next 18 months?

Hon. Mr. Norton: No, Mr. Speaker, I'm not saying that. I will look into the situation that

the member refers to and try to respond to him more fully as soon as I have had a chance to do that.

EDWARDSBURGH LAND ASSEMBLY

Mr. Conway: Mr. Speaker, my question is to the Resources Development secretary. I wonder if the minister could tell us whether or not he is in possession of any consultant's report vis-à-vis the disposition of the Edwardsburgh land assembly? If he has those consultant's studies, is he prepared at this time to table them in this House? If not, why not? If he is about to do so, can he tell us when he might be at liberty to release that information?

Hon. Mr. Brunelle: My understanding, Mr. Speaker, is that report has been made available to the local municipal authorities. I could be corrected on that. I think it is a report which will certainly be made public in due course.

Mr. Conway: In due course, Mr. Speaker, would mean roughly at what point in time?

Mr. Breithaupt: In the fullness of time.

Hon. Mr. Brunelle: I would think within the next few weeks.

RETAIL STORE HOURS

Mr. Samis: I have a question of the Solicitor General, Mr. Speaker: In view of pressure by certain Yonge Street merchants to evade the retail store hour legislation on Boxing Day this year, can the minister assure the House that the laws passed by this House will be properly respected and enforced in the city of Toronto?

Hon. Mr. MacBeth: Mr. Speaker, I have a news release going out probably tomorrow or the day after tomorrow explaining to the merchants the law as it stands for Boxing Day. I expect the police of the province will enforce it as we expect them to enforce all the laws.

Mr. Breithaupt: Supplementary: Will that news release also clarify the matters with respect to January 2 which might be taken as the New Year's Day holiday so that this whole matter about which a number of us have received letters of inquiry can be clarified?

Hon. Mr. MacBeth: Yes.

MANAGEMENT STUDY

Mrs. Campbell: My question is of the Minister of Community and Social Services. Is the minister at this time prepared to table

in the House the management study of his ministry? If not, why not?

Hon. Mr. Norton: Mr. Speaker, because I have not yet received it from the consultants.

Mr. Lewis: Any other minister would have had it by now.

An hon. member: That's right. You should resign.

Mr. Foulds: You and Timbrell.

INCO EMISSIONS

Mr. Laughren: A question of the Minister of the Environment: Would the minister bring us up to date on the state of negotiations between his ministry and Inco concerning the emissions from the super stack at Copper Cliff?

Hon. Mr. Kerr: Mr. Speaker, as the hon. member knows, there is still some consideration regarding the final year of the criteria for emissions from that stack. We still haven't decided on a new level. We have decided that a new level is necessary. As the hon. member probably knows, the requirement I believe is 750 as of January 1, 1979, so we still have some time. But I expect that that will be settled early in the new year. And as the hon. member would realize, in the light of current events, it probably won't be as hard to reach those criteria.

Mr. Laughren: Supplementary, Mr. Speaker. Would the minister assure us that the economic and unemployment problems now facing the Sudbury district will not be used as a club by the company so they do not have to enforce reasonable standards of emission?

Hon. Mr. Kerr: Yes, Mr. Speaker, I will be assured of that.

Hon. W. Newman: Boy, do you change your attitudes over there.

Mr. Speaker: The time for oral questions has expired.

The hon. member for Renfrew North has a point of privilege.

POLICE ACCESS TO OHIP DATA

Mr. Conway: Thank you, Mr. Speaker. I feel deeply concerned about a matter that relates to some of the exchange earlier in the question period. I would ask your guidance in this matter because I do feel that it relates directly to the privileges of certain members of this House, particularly those members who were involved in the Ministry of Health estimates about two weeks ago yesterday.

Mr. Speaker, at that time, and in direct reference to questions put by me to the Minister of Health, with many of his OHIP officials present, the minister responded to inquiries about possible contact between OHIP and the RCMP in the following way, and I want to read very briefly part of that record and then what appears to be a very sharp contradiction reported in this morning's *Globe and Mail*—and, quite frankly, this afternoon as well.

I shall read from the Hansard report of Ministry of Health estimates for November 15, 1977 regarding OHIP and contact with the RCMP.

"Hon. Mr. Timbrell: However, the information I have had to date is that there is no record of any contact, certainly no authorization or sort of thing between OHIP and the RCMP. I think that is correct."

Mr. McClellan: That's what I read.

Mr. Conway: That's right, that was read earlier this afternoon. Then subsequently he says:

"Hon. Mr. Timbrell: No, seeking information. Of course, the Act requires the general manager, who is here,"—meaning here today in these estimates discussions—"to keep that confidential anyway, but I am advised that he has never been contacted to seek the kind of information referred to in the recent media reports."

In this morning's *Globe and Mail*, there was the following report attributed to Mr. Lawrence Martin, and it reads—and I will read only the first paragraph: "The general manager of the Ontario Health Insurance Plan said yesterday that the providing of enrolment data from OHIP and other medical plans to the police is a policy that originated at the political level and presumably has been known to Health ministers and Attorneys General since 1959".

Mr. Speaker, I see in those two reports a clear and sharp contradiction. I want it cleared up at the earliest possible opportunity because of the information that was presented to us, particularly in the estimates debate about two weeks and one day ago.

Mr. Speaker: There seems to be some misunderstanding among a good many members not only to what constitutes a point of privilege, but once a *prima facie* case has been established whose responsibility it is to clear it up. It's certainly not the responsibility of the Speaker. It is the responsibility of the member who feels that his privileges are aggrieved to take the necessary action, it's not the responsibility of the presiding officer; and I just wish that you'd reflect upon that.

It's not incumbent upon the presiding officer to defend you, except to the extent that I say you have a *prima facie* case of privilege, and that's the end of it as far as the presiding officer is concerned. The ball is in the court of the member who feels aggrieved.

Mr. Havrot: He is just grandstanding.

REDRESS ON POINT OF PRIVILEGE

Mr. Nixon: On a point of order, might I perhaps ask your advice along these lines: The hon. member felt that his privileges were aggrieved, and frankly I agree with him. What can he do but bring it to the attention of the House, through you, sir? It may be that you cannot order the minister into the tower but at least you are the vehicle through which the aggrieved member can put his case to the House, and surely nothing other than that is expected?

Mr. Speaker: That's right; as I say, I got the impression from the hon. member for Renfrew North that he expected some action from me, and there's no action I can take.

Mr. Conway: Subsequent to that, Mr. Speaker, I think I prefaced my remarks simply by saying I draw to your attention. I share entirely the comments of the hon. member for Brant-Oxford-Norfolk about the degree to which we are hampered in carrying forward that kind of grievance. I simply, on that point, drew it to the attention of yourself and other members of this House.

Mr. Speaker: You've already done so; but I just wanted to clear up any misunderstanding in the minds of members that it was incumbent upon the presiding officer to do something. I'm sure that the Minister of Health will take notice of what you have said and perhaps he can reply to it at a later time.

INTERPRETATION OF SESSIONAL ORDER

Mr. Warner: Mr. Speaker, on a point of order: I would ask for your judgement on the new sessional order 4, found on page 19 of the standing orders, where if a member is dissatisfied with an answer given to his question he should raise it at the end of question period: do you deem the end of question period is the expiration of oral questions and before the presentation of petitions or motions; is that a proper interpretation of the term "question period"?

Mr. Speaker: All that's required is that you indicate you are dissatisfied with an answer given by a minister. You've already done that and it can be handled under standing order 28(a), this evening at 10.30.

REDRESS ON POINT OF PRIVILEGE

Mr. Lewis: Mr. Speaker, I am rising on a point of view, which I'd like to put to you sir.

Mr. Nixon: You are getting relaxed these days.

Mr. Lewis: I'm very relaxed; yes, I'm almost soporific.

Mr. Speaker: If you want to correct the record; if you have a point of privilege or a point of order.

Mr. Lewis: I seek your wisdom, guidance and general infallibility, sir; I thought that would engender your support. I do want to ask if a member of the Legislature rises on a point of privilege to make a point akin to that of my colleague from Bellwoods (Mr. McClellan) or the member for Renfrew North (Mr. Conway), is it beyond the Speaker's prerogative to suggest to the Minister of Health that a statement of clarification or response to the point privilege might help in the Legislature? Is that going beyond your role as Speaker?

Mr. Speaker: It's not the prerogative of the Speaker to ask any minister to answer any question; a minister can simply decline. It's up to the minister whose actions or whose words have been called into question to defend those words or actions, and there's nothing that the Speaker can demand or require him to do. I just want to call that to the attention of members; that's why I rose after the point of privilege raised by the member for Renfrew North. It's not incumbent upon the Speaker to do anything.

[3:30]

Mr. Nixon: Since the matter has been raised, Mr. Speaker, and we've been discussing it here, I must say on the point of order that I support your position entirely; but it isn't the first time, nor are you the first Speaker to arise to tell the members that there is nothing you can do. Surely the fact that it has been raised in the House and brought to the attention of the Speaker and every member here means that the minister would feel the pressure of the democratic system to make some kind of a comment in reply; surely that's all we would expect.

Mr. Foulds: Don't count on it.

Mr. Lewis: Don't hold your breath.

PETITION

Mr. Germa: Mr. Speaker, I have a petition which I should like to direct to the attention of the Treasurer (Mr. McKeough). It is

signed by 259 employees of the government of Ontario in the Sudbury district.

Mr. Nixon: It has to do with licences of trucks.

Mr. Germa: They petition, amongst other things, and I quote, "to bring an end to the senseless butchery of services and jobs," and call for the adoption of a full employment strategy.

Mr. Eaton: I got that form letter too.

Mr. Lewis: Butchery; that means layoffs.

REPORTS

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Villeneuve from the standing social development committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Health be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of Health

Ministry administration and health insurance program	\$1,072,532,800
Institutional health services program	2,579,582,900
Community health services program	118,948,500

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Havrot from the standing resources development committee reported the following resolutions.

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Agriculture and Food be granted to Her Majesty for the fiscal year ending March 31, 1978.

Ministry of Agriculture and Food

Ministry administration program	\$ 4,599,000
Agricultural production program	104,317,000
Rural development program	21,995,000
Agricultural marketing program	10,670,000
Agricultural education and research program	23,809,000

MOTION

Hon. Mr. Welch moved that supplementary estimates for the Ombudsman be referred to the standing general government committee for consideration within the time al-

ready allotted to the committee for the consideration of the estimates of the Office of the Ombudsman.

Motion agreed to.

INTRODUCTION OF BILLS

HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. MacBeth: moved first reading of Bill 112, An Act to amend the Highway Traffic Act.

Motion agreed to.

Hon. Mr. MacBeth: Mr. Speaker, the purpose of the bill is to make it an offence to drive on a highway a motor vehicle that is equipped with or that carries or contains a radar warning device.

POLICE AMENDMENT ACT

Hon. Mr. MacBeth, moved first reading of Bill 113, An Act to amend the Police Act.

Motion agreed to.

POLICE AMENDMENT ACT

Hon. Mr. MacBeth moved first reading of Bill 114, An Act to amend the Police Act.

Motion agreed to.

CONDOMINIUM AMENDMENT ACT

Hon. Mr. Grossman moved first reading of Bill 115, An Act to amend the Condominium Act.

Motion agreed to.

Mr. Conway: If you reversed the order, you'd have the right minister in the right job.

ELECTION AMENDMENT ACT

Mr. Breithaupt moved first reading of Bill 116, An Act to amend the Election Act.

Motion agreed to.

Mr. Breithaupt: Mr. Speaker, the amendments which I propose in this bill are in four particular areas.

First the words, "or other British subjects" are removed for qualification as a voter or candidate in a provincial election, so that all voters and candidates must now be Canadian citizens. This follows the amendments proposed by the Liberal critic for municipal affairs, my colleague the member for Waterloo North (Mr. Epp) for the Municipal Elections Act which is now before the House.

Second, standards for access to polling places for physically handicapped persons are to be set; as well, certain provisions applying now to blind persons are changed.

Third, the political affiliation of candidates is to appear on the ballot.

Fourth, vouching for persons omitted in error from the voters' list is extended in urban polls in the same way as it is now available in rural polls.

This bill will be brought forward for debate in private members' business segment on December 15 next.

NURSING HOMES

Mr. Speaker: Pursuant to standing order 28(a), the member for Scarborough-Ellesmere (Mr. Warner) having given notice of his dissatisfaction with the answer to his question given by the Minister of Health earlier today concerning nursing home conditions, this matter will be debated at 10:30 this evening.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the interim answer to question 42 standing on the notice paper. As well, I wish to table the answers to questions 38, 43 and 44 standing on the notice paper. (See Appendix, page 2420.)

ORDERS OF THE DAY

SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough moved second reading of Bill 97, An Act respecting the Sandwich, Windsor and Amherstburg Railway.

Mr. Bounsall: Mr. Speaker, I just have a very brief comment on this, to the effect that this is a very reasonable name change. Anyone coming across the name Windsor, Sandwich and Amherstburg railway would expect to ride on a train; however, for quite some years now, it's been the name of the Windsor-only bus system. So although there is some dismay on the part of some of the historically-minded people in the area over the disappearance, finally, of this grand name, which indicated first a railroad and then a partial street railroad system, this is certainly a more apt description of what the entity is involved in these days. In addition anyone new coming into the area doesn't expect to look for the busline system under the name of the Sandwich, Windsor and

Amherstburg Railway, so this name change is welcomed.

I might say that coincident with the use of this name, which started about four weeks ago, was a revision of the bus system and the provision of increased services in Windsor, particularly in the outlying suburban areas. This is of great interest for those who support public transportation, as I do; it is a good step forward in the provision of this service. It's hoped that the new name and the new bus lines will bring to Windsor increased use of the bus system and increased awareness of the need and worth of public transit and a resultant saving in energy will no doubt occur.

Mr. Deputy Speaker: Are there any other members wishing to participate in this debate? If not, the member for Durham West.

Mr. Ashe: Thank you, Mr. Speaker. I think the hon. member who represents that area has really said it. It is just a name change that has been agreed to by all.

Motion agreed to.

Third reading also agreed to on motion.

ASSESSMENT AMENDMENT ACT

Hon. Mrs. Scrivener moved second reading of Bill 91, An Act to amend the Assessment Act.

Mr. Deputy Speaker: Does the hon. minister have any opening comments?

Hon. Mrs. Scrivener: Yes, Mr. Speaker. As I noted when I introduced it at first reading, this bill provides for the continuation of the freeze on assessed values at their present level in Ontario for one more year. This move is necessitated by the complexity of the recommendations made by the Blair commission on the proposals to reform municipal taxation. The commission's report sets out in detail a whole series of guidelines which, when implemented, establish an expanded tax base for municipalities, revised methods of apportioning shared costs, a new foundation for provincial grants and a system of reducing the regressiveness of the property tax itself. The report constitutes a rational tax reform package in which each recommendation complements the other.

It is necessary however to study all the recommendations in complete detail in order to measure the impact upon each municipality, groups of municipalities and upon particular classes of property owners. I insist that the review be objective and complete before any or all of the recommendations are put in place. I believe this is the common sense approach, since our objective must be to achieve fair and equitable munic-

ipal taxation without imposing a hardship on particular groups of property owners or on businesses.

The bill before us also makes it clear that new buildings which are completed and ready for occupancy will be assessed on the 1977 assessment rolls and subject to a full year's taxes in 1978. New construction can be taxed for a portion of the current tax year only if occupied. The courts are extending the exemption from taxes to the next tax year if these new buildings remain vacant. The amendment proposed to section 86 will close this loophole and appease the large number of municipalities which have objected to a potential loss of tax revenue.

I am also proposing that section 97 of the Assessment Act remain operative during 1978. This section allows the Minister of Revenue to order the return of market value assessment in any municipality experiencing problems with the equity of its assessment base.

I am confident that these amendments are the proper course of action at this time. When I became the Minister of Revenue, I stated emphatically that I would proceed with the market value assessment program only when I could be assured by a complete review of all the implications that individual groups of property owners would not be hurt. Postponing the program for one year will provide me sufficient time to fulfil that promise. I urge all members to support this bill.

[5:45]

Mr. Haggerty: I wanted to add a few comments on Bill 91, An Act to amend the Assessment Act.

We will support the minister's amendment, as it is here today, although perhaps with some reservations. We feel that it has been seven or eight years since the municipalities have been promised market value assessment. I guess it is the past record of the government that after almost every election we have seen this particular legislation put into mothballs. Hopefully, the minister is not going to put it in mothballs again and we will have the dialogue that she suggested in her opening comments today. More information is required relating to the market value of assessment, more information is required as it relates to the tax reform proposals that the Treasurer (Mr. McKeough) has so often suggested to municipalities over the years. We are also concerned, on this side, about the Edmonton commitment.

Under those three items I have suggested to the minister we are deeply concerned

about the implementation of market value assessment in Ontario. We have noticed in the past that there hasn't been too much dialogue, particularly with municipalities, to which this matter is so vital because municipal taxes of course relate to market value assessment or any property assessment. We have information from some municipalities that there will be a shift in assessment, particularly from industrial assessment to residential assessment. Industrial assessment will be lowered while residential property will be much higher. No doubt this will have a greater impact on persons who can least afford to pay the high taxes that are already there, based upon municipal tax policies today.

For example, here is a brief submitted to the property tax reform commission as it relates to additional hospital assessments under the proposed market value assessment. Just to sum it up, it says: "The Ministry of Revenue has now provided information on current assessment values and municipal commercial tax rates for seven sample hospitals of similar size and type across Ontario. They inform us that the resultant tax calculation is approximately the same as any new tax formula budget paper E would produce."

It goes on to list the figures that are given, and says there would be substantial increases in hospitals in St. Thomas, Elgin, McKellar/Thunder Bay, Sudbury General, Peterborough Civic, St. Mary's/Kitchener, Chatham Public General and Queensway/Toronto.

Summing it up it says, "Assuming from this rough average of 2.5 per cent of budget values for all public hospitals in Ontario, this would mean total taxes of approximately \$54.1 million, compared to the \$2.4 million paid at present—on the basis of the \$50 per rated bed."

That means there will be quite a tax increase to hospitals in the province. We have already got an impact from the Ministry of Health in the cut-back of grants to local hospitals. With the impact from this, you might as well close up all hospitals in the province if we were to accept market value assessment under these terms.

I know of other instances where the proposal is that we will be paying taxes on school property. No doubt this will have a serious impact on the separate schools which include up to grade 13; this will be an additional cost to the taxpayers in that school sector. The proposals tell us we'll be paying taxes on public libraries. We'll be paying taxes on fire halls. We'll be paying taxes on municipal recreation centres and facilities of that nature, and all parks. Hopefully the

Treasurer is not suggesting revenue can be collected from a municipality at that level? I'll tell you if this is the course the government is going to take, I'm sure it's going to defeat the government when they bring in market value assessment.

As I said before, we agree there have to be some changes made in the assessment practices in the province of Ontario. There are inequities in certain municipalities. The fault lies with the Treasurer of the province of Ontario, who for a number of years had some control over municipalities related to assessment but did little to improve the quality of assessors and the quality of assessment practices throughout Ontario.

It's not good enough to say we're going to criticize this particular group of employees. They are good, they are conscientious personnel who want to do a good job and we ought to be thankful this particular group has provided measures to improve the quality of assessment practices themselves, with little help from the government of Ontario.

Perhaps this is an area in which the government has fallen or lagged behind in bringing equity and equality in assessment to the province of Ontario. This responsibility rests directly with the ministry, particularly the Treasurer.

He has not moved in a direction to see that all municipalities follow the same assessment manual. That's all that's required if we want market value assessment; each assessor, each municipality or region, must use the same assessment manual, which will apply some uniformity across the province of Ontario. If I were to stand here today, Mr. Speaker, and say I was all for market value assessment in 1978, I'm afraid there wouldn't be many taxpayers in my area who would be too happy with my performance here in the Legislature. As example of the only information I've been able to obtain from the Treasurer and his assessment report relates to present assessed values and market value assessment for the town of Fort Erie. It says residential, based on residential public, is about \$20 million now in the town of Fort Erie. Under market value assessment this would mean \$147 million in separate schools. The present assessment is about \$5.5 million, and under the new assessment practice it would be \$42 million. You can see a substantial increase there.

What bothers me most is when we come to the area of recreational dwellings. Under the present assessment at which all property is being assessed, it amounts to about \$5.5 million. It will increase, under market value, if I can follow the line, to \$36.5 million; a

substantial increase. Recreational land is presently being assessed at about \$589,000. Under market value assessment, it will move up to \$7.3 million. The provincial government will have some increase there. It will increase about twice, I guess, or 200 per cent. When we come back and look at the conservation authority, and then education; under the present public school system the assessment is \$2.1 million. Under market value this will go up to \$4.5 million.

It just goes to show you the shift in taxation that will occur if we accept the implementation of market value under these terms before we bring in tax reform policies. While I strongly object to the method of market value assessment, it is rather difficult under today's terms to actually come to a firm conclusion on the effect of market value assessment. It is hard to define it under the present terms. I know the old assessment practice was based upon a willing buyer. You can look at about three areas you want to discuss when a piece of property is put on the market for sale. You can look at the market data, or sales approach; and this is what they are using now. Of course if you have a shortage of housing in the province of Ontario, as exists today, and there is a big demand for it, then certainly that is going to put up the price of housing.

You have the income approach, which relates to the rental factor. Again, if you have a shortage of housing in the province of Ontario, particularly in relation to rental units, that is going to increase the price of market value.

Finally, there is the cost approach. I don't have to tell you about the cost approach today because that is also high. One of the reasons is there is a demand for housing.

There is no consideration, I think, from the information I have, of the inflationary costs of market value assessment. That is an area I hope your group of persons knowledgeable in assessment will take into consideration when they do bring in market value of assessment.

Again, I can relate it to the cost of serviced lots. I can relate to an instance in the town of Fort Erie where a housing development was going to take place. The prices of the lots after it was subdivided were going to be about \$10,000 for a 50-foot lot. The developer would get about four and a half lots per acre, which would no doubt bring him a good source of income; but they were going to go into partnership with the Ontario Housing Corporation, and the minute they made their agreement with the Ontario Housing Corporation the land values increased; and

the cost increased, to the person buying that land, by \$3,300. I can tell you this, the assessors were in that area already reassessing all the property in that community because of the involvement of the government. They thought they could make another \$3,300 on property too.

So, again, I look at the matter of market value assessment. I think we need to have a close look at it. We need to have the involvement of concerned citizens. They are going to be affected more by this type of legislation than anybody. Above all, municipalities should be well informed. Perhaps all the information they are going to get is just what I've read into the records here; block information, I guess the minister would call it, from one municipality to another.

But in reviewing the three assessments for the different municipalities, the town of Fort Erie, the township of Wainfleet and the city of Port Colborne, I find the average assessment will increase from the present assessment about eight and a half to 10 times what it was under the old rate of assessment. I suppose, when I look at it again, you say under the present suggestions the property tax market value assessment will be based at 50 per cent of the market value. That already gives about a 15 per cent increase over the previous assessment. Under the old assessment practices it was assessed at about one-third of the actual value of the selling price of the property back in 1969 or 1970.

[4:00]

It was always a good practice to use that principle; about 33⅓ per cent. It always gave guidelines, for a person who wanted to buy property, to relate to the assessment and multiply three or four times. That way you could pretty well come to what the value of the property was. But under these terms, when you say "a willing buyer," there are about three areas you can relate it to. You can have a buyer; or you can have a person who wants to sell a piece of property, at his price. You can also have a property owner who says he'll sell because he wants to move out because he has lost his job, he'll sell it wherever he can get the best deal. Then you get another person who has to sell; he has no other choice, either he sells or he loses his investment. All these things should be taken into consideration.

I know from my own personal property what the replacement cost would be and it's way out of proportion. That forces one to carry fire insurance for that risk, because I don't know what the market value of lumber will be from one year to another.

Again, we relate our price of lumber to what it's worth on the American market. Everything we seem to do here in Ontario is related to what a product will sell for in the United States. For some unknown reason, when it comes to buying a piece of property in Buffalo, you can buy property over there for less than you can in the province of Ontario. Whether that has any bearing on market assessment here or not, it does for replacement cost. Our products bought for homes is based upon what Americans will pay. Why the cost should be much higher in Ontario I don't know. That is something the assessing department should perhaps be looking into.

Mr. Laughren: The Tories all speculate on land.

Mr. Haggerty: I think I covered where the provincial government was in the matter of land speculation. Again, I don't want to get into that. We discussed that during the minister's estimates.

But I can't stand up in the House, and I don't think my party would either, to support the implementation of market value assessment under these present terms unless we have a clear understanding what tax reform proposals are coming from the Minister of Treasury, Economics and Intergovernmental Affairs for the province of Ontario.

I think we have to take into consideration what the Edmonton commitment is going to be. You can rest assured if we were to accept market value assessment today, I don't think there would be a property owner in Ontario who could afford to pay the taxes; it would be more than a regressive form of taxation.

I have an amendment from the NDP—I don't know if the member is going to put that forward today or not.

Mr. Swart: If we get into committee.

Mr. Haggerty: If it gets into committee. If the hon. member for Welland-Thorold moves that amendment we will not be supporting that amendment.

Mr. Warner: Too progressive.

Mr. Haggerty: I don't have to tell the minister why but—

Mr. Deputy Speaker: May I remind the hon. member that the amendment is not before the House.

Mr. Laughren: Talk about your own alternative, Ray.

Mr. Haggerty: Well, I don't know if it is coming forward or not, I don't know that; but I was interested in the comments of the member for Brantford (Mr. Makarchuk), I believe it is, the revenue critic for the NDP, I was interested in what he had to say about mar-

ket value assessment. The member for London South (Mr. Walker) asked him: "Do you support market value assessment now"? The member for Brantford said, "Yes I do, as a matter of fact, but not as organized right now". I don't know what he meant by that comment, but he goes on to tell about the discrepancies that will take place in a municipality if market value assessment is implemented in 1978. He goes on to say there will be a shift and people with less income will be paying higher taxes because industry and corporations will begin getting a break. So if they bring forth that amendment, I can't see why they would ever bring an amendment in like that when from their comments it is pretty well on record that they feel it is not the time, actually, to bring in market value assessment based upon all the problems there are under the existing proposals.

Even the member for Welland-Thorold suggested that last year in one of the debates. He is all in favour of market value assessment but not under the present terms. I leave the thought with the minister that they have some strong reservations about it. They give it to you in detail, and it can be found on page G-370 of the minister's estimates debates on November 9.

Mr. Warner: You read it but don't understand it.

Mr. Haggerty: We perfectly well understand it. We know what's going on. You're playing games with it, that's what you're doing; and political games at that.

Mr. Makarchuk: I am gratified to hear that you read my preface.

Mr. Haggerty: I'm afraid that if the member for Welland-Thorold had to go back into the Peninsula and tell the people, "I'm all for market value assessment and we want to implement it next year," and then went on to say, "but we don't agree with all these things here," he would think twice about that amendment that he's putting forward.

Mr. Laughren: Imagine being political in here.

Mr. Haggerty: I suppose I can when I get cross questioning from the members to my left.

If I can go back to the brief they submitted to the Blair commission and its sixth proposal dealing with taxation on public property: "Public property is to be subject to fair taxation. A good principle. We agree with the Treasurer when he asserts that 'inclusion of all local property on the property tax base, means that local governments will be taxing their own facilities, such as schools and parks; but since the property tax is

levied for upper tier and school board purposes as well as local municipal purposes, this broadened tax base will permit a fairer distribution of cost of revenues among local government units."

Well it's pretty hard to go back and tell a municipality like Wainfleet, or some other rural municipality that had to close up its schools, for example, because some of them have moved into larger school areas, such as the cities or larger urban areas, and say, "We're going to be taxing you for educating your children in that school." That's what he's suggesting.

Mr. Laughren: Did Alf Stong write that speech?

Mr. Haggerty: I don't think it is the proper area for taxation on municipal property at all, as it relates to municipal property. There are other areas that should be opened up for tax reform, and I think the municipalities should have a broader tax reform. Perhaps they should be looking for more levels of support through transitional grants from the provincial government, and in fact from the federal government when we relate to our comments to the Edmonton commitment.

Mr. Laughren: When are we getting the Liberal alternative?

Mr. Makarchuk: What's your answer for it, Ray? What's your solution?

Mr. Haggerty: You read my remarks in the minister's estimates, it's all there.

Mr. Makarchuk: All you talked about is some girl who couldn't tell the difference between a nail or a screw or something.

Mr. Haggerty: No, it was a common nail and a finishing nail.

Mr. Makarchuk: I stand to be corrected.

Mr. Haggerty: I said the assessors have come very well forward today with good forms and a good quality of assessor for assessing property. I suggest to the minister that we do support the amendment and will look forward to market value assessment with full consultation and after a full dialogue with local municipalities and concerned citizens, I think that's the most important thing. They're not aware of what's taking place and it would be an injustice to bring in market value assessment in 1978 under the existing proposals and with little knowledge of the actual tax reform policies the government wants to pass on to communities. That's all the comments that I have, Mr. Speaker.

Mr. Swart: Until the member for Erie spoke, I had thought this bill was a rather simple and straightforward, and that my amendment fitted into that category; but I

guess he has misunderstood the intent of what we are intending to do with this bill.

Mr. Laughren: You ask him what time it is, he tells you how to make a watch.

Mr. Swart: Mr. Speaker, of course the purpose of this bill, as the minister has correctly interpreted, is to freeze the present assessment system for another year; with one exception, and that of course is the change to provide that buildings which are built and not occupied will be eligible for assessment if they are over the \$2,500 limit. I understand that the \$2,500 applies to market value, not to the relatively low assessment under the present Assessment Act. I had hoped, perhaps, that the minister would assure us of that when she rose to speak on the bill.

There is no doubt, I'm sure, that the presentation of this bill is a very real embarrassment for the minister. It's just another step in the commitment-postponement cycle. The Assessment Act clearly shows this. If we turn to section 86, we will see there the year-by-year postponement. The first is under section 86(a), where in 1974 the assessment was to be for real property as set forth in the assessment roll return for the year 1970. That wasn't section 86(a) at that time, that was just all of section 86. Then they decided to postpone it again, and section 86(b) was put into the Act. Then they decided again to postpone it, so section 86(c) was put in the Act. Now we have section 86(d) proposed here in Bill 91. I suggest there's a real possibility we may run out of the alphabet before we ever get to implementing a new form and a fairer form of assessment.

I say that that section of the Act, section 86, is a visual, chronological testimonial to the ineptness, the indecision and the waffling of this government.

Mr. Makarchuk: A bunch of wafflers.

Mr. Swart: Plus, I have to say that it's not the minister's fault. I realize that it is the Treasurer who makes these decisions, not this minister. In fact, I guess he makes the decisions pretty well for all the ministers on that side of the House.

Interjections.

Mr. Swart: There is little doubt that these postponements have been at least partly, perhaps mainly, for political reasons. The first postponement was actually decided upon back in 1974. The minister at that time, who was the father of the present Consumer and Commercial Relations minister, said on October 18, 1973, in the House: "We anticipated completion of the valuation work by early 1973 for tax study purposes. The assessors

would then update their assessment for introduction in the fall of 1974. It was estimated that up to 18 months would be required to study, develop and seek the approval of this House on meaningful property tax reform—before local authorities set 1975 mill rates based upon the new 1974 assessments.”

I'm sure everyone in this House knows, not least of all the government, that when you bring in a new assessment program there are many changes. Many people pay more; some may pay less in their property taxes. But the government certainly decided at that time, with an election due in 1975, that it shouldn't proceed with those changes. So they were postponed, actually until 1976. That was supposed to be a year after the government got its majority. Well of course it didn't get re-elected with a majority, so in 1976 it brought in another postponement. In 1977 it is also bringing in another postponement. We certainly won't have any change in the assessment system before 1978.

Mr. Makarchuk: Not before the next election, anyway.

[4:15]

Mr. Swart: Yes, there won't be one then, you're absolutely right. There will not be any change, I'm going to be mentioning that in just a moment or two.

First of all, though, I want to point out this delay makes a mockery of the restraint program. Back in 1969, the present Treasurer, and I'm right on this one, made the comment, when the province was taking over the assessment system, that the number of assessors would be increased by 50 per cent to bring assessment to what we consider the proper level, and would be maintained. Municipalities, at that time, were spending \$15 million on assessment and by some rather simple computations we can determine that the actual cost of reassessment up to this date has been somewhere up to \$50 million and \$100 million; in fact it may be \$100 million. I would ask the minister, in her comments, to tell us what the reassessment program has cost in the eight years since that time?

The Blair commission also made reference to the cost and the waste if there was further postponement when they said, and I'm quoting from the Blair report: "Market value data as of 1975 on every property in the province will be available for use in 1977 assessment rolls and therefore for tax application in 1978. A further postponement would obviously render the 1975 data of little value and much of the effort expended would have been in

vain, a waste of the taxpayers' money, by this postponement."

The second point I want to make is the postponements, year after year, have damaged morale among the assessment commissioners and the assessors. I suggest in this House that if anybody has a doubt about this they should talk to the assessment commissioners throughout this province. The first thing they'd say when you ask them what they thought of a further postponement of the assessment would be, "Oh my God, another one." Their morale has been very substantially lowered by this continual postponement of bringing in a new assessment system. Even Blair, in his report, commented on that. I would like to quote:

"These postponements must, we believe, have a seriously detrimental effect on the morale of the assessors. As was stated in our remarks on assessment, the professional competency he brings to bear, a dispassionate approach to his task, is all-important to the proper operation of a property tax system. It must be realized that the government must now keep assessment values up to date simultaneously for two assessment systems; the current one and market value. When seen in the light of some 3.5 million assessable properties, this is a mammoth task indeed."

So we have Blair making the comment the morale of the assessors is being damaged by these continual postponements of something the government had assured them was very good, and perhaps almost perfect.

There is no doubt, too, the postponements continue inequities, first of all between properties in municipalities. I think my colleague from Waterloo will be giving information on his area which shows there is at least a 25 per cent differential on the taxes paid by property owners with identical homes, within one municipality now but which of course was amalgamated from four or five others.

Mr. Meen stated when he gave a speech to the Golden Mile Kiwanis Club back on October 20, 1976, on the subject of why we need market value assessment: "Of course, with the introduction of market value assessment all the inequities will be ironed out."

Well that's nonsense, of course. Sometimes we have some doubts as to whether there will be any fewer inequities under the system being proposed by this government than there are under the present system. Surely no one, Mr. Speaker, who had any knowledge at all of what is taking place would state all inequities would be ironed out.

The second continuation of inequities is between municipalities, because the government has frozen the system for eight years.

We have had statements in this House to show at least one municipality is losing in the neighborhood of \$8.5 million in grants because of the unequal assessment, or the unfair assessment, in their area and the refusal of this government to make a change in that assessment. I am going to go into what we propose in this bill in just a little more detail.

We will support this bill on second reading, because quite frankly there is no alternative. The policies and the machinery are not in place to make any changes. If we brought in market value, per se, without any percentages of assessments on residential properties, particularly single-family dwelling units, the inequities would be many times greater than they are at the present time. Because the government hasn't done the job, there is no alternative but to postpone. In fact, the assessment roll has to be turned in, I think I am correct in saying on the third Tuesday in December. It's perfectly obvious no major changes can be made ahead of that time. So we are forced into supporting this bill.

Secondly, the section with regard to picking up the additional assessments of completed buildings is something the assessors want, something which is legitimate and something which we support. I should say some assessors throughout the province, as the minister is likely aware, have picked up that extra assessment under the last clause of section 86, which provides for fairness in the assessment system. However, it is my understanding that in some areas they have not and so it is wise to have this section included.

It's our considered opinion this is not the last postponement. As my colleague from Brantford has stated, this government is not going to have the courage to go ahead and bring in a new type of assessment before the next election is over. So we are going to have to postpone this again next year, because I don't think the government is apt, again, to call an election to try to get a majority in the near future.

Under the bill as it stands at the present time the new assessment can be introduced, as perhaps is needed in the case of Waterloo; that option is open to the minister under section 97. I believe the minister mentioned in her introductory remarks they have the power to introduce the new assessment system in a locality or in a municipality. I suggest they should use that section to correct situations where there is a real injustice at the present time.

We think the extension of the present freeze can be made much more palatable, much more acceptable and much fairer, by an amendment which would permit section 71

to be operative. That is a section which requires the government to make an equalization.

I assume from the remarks of the member for Erie (Mr. Haggerty) that he feels that equalization would be based on the market value assessment, and therefore that he is opposed to it for that reason.

The section reads as follows: "The ministry shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment role of each municipality and locality and determine as nearly as may be what the total amount of the assessment of such rateable property should be, so that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities."

I suggest to our colleagues on the right that that is a pretty broad statement. The government of this province, if that is made operative, would be able to set up regulations for some form of equalization which is not necessarily based on the new market value assessment. It could be based on almost any formula which they wanted, and would provide, as it states, "that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities."

I suggest that his is a perfectly reasonable amendment. The equalization factor has now been frozen for eight years. Everyone knows of the inequalities in the amount of grants municipalities receive and the proportion they pay to education costs, and to regional government or counties and other authorities which overlap municipal boundaries. I suggest that if we can make that clause once again operative, then we can make this freeze palatable and acceptable for another year, or another two years, or another three years, until whatever time there is a change made in the system.

We feel that before the final decision is made on changes in the Assessment Act or the white paper on the Blair commission, that there should be an all-party committee of the Legislature to deal with it. I don't think it is unfair to say that on this issue it is not a matter of political policy as pertains to economics, as it is in many things we look at in this Legislature. I think there could be real value in having an all-party committee dealing with the recommendation of the Blair commission.

We say that because we think the logical and sensible steps haven't been taken, that the government hasn't had the courage to proceed, and probably will not have the courage

to proceed in another year or another two years; and that we should take this step to try to make the present Act workable. We think it will be workable if the amendment we propose is accepted by this House.

Mr. Mancini: This is the third time you have repeated yourself.

Mr. Swart: I say very sincerely to our friends on the right, give serious consideration to it.

Mr. Blundy: I rise to support Bill 91, An Act to amend the Assessment Act. I do so because I believe that many people in the province are worried about what will happen when market value assessment is brought in. I meant to say in my remarks, but they have already been said by the member for Welland-Thorold, something about the unusual circumstances of the postponements on bringing in of the Act as they related to the elections that have been held in this province. Obviously the members of the government share the uncertainty and the indecision about market value assessment that I do and many other people in the province do.

[4:30]

There is one thing that I want to say: The hon. minister, in her initial remarks on this bill, repeated several times something to the effect that the government wanted to ensure that no group of taxpayers in the province of Ontario would suffer. She wanted to make sure there would be equality among the taxpayers of Ontario. If only those sentiments expressed by the minister were shared by the Treasurer of Ontario; I am living proof of what is happening, because I am being hurt by what is going on now.

We in the city of Sarnia, because we were forward-looking enough a number of years ago to update our assessment and bring it up to standards of that time, just prior to the takeover by the province of the Assessment Act, are now suffering. I might mention for the edification of the hon. minister that we are not alone in the problems that are now upon us. The city of Windsor is losing \$8.5 million in 1977 grants from the province, that is under the equalization resource grants. The city of Sarnia is losing \$1.9 million; the city of St. Catharines, \$1.2 million; the city of Burlington, \$1.2 million; the city of Sudbury, \$1.2 million; the city of Kingston, \$45,000; Woodstock, \$323,000; Kitchener, \$600,000.

The lack of transitional grants to these municipalities, in my case is going to put me in the position that I will be paying—on the average the homeowners in the city of Sarnia will be paying—\$58 extra in 1978.

As I have said, we are very uncertain about what market value assessment is going to do. We are wary of it, but we who are willing to wait are somewhat in the position of hostages of the government. We are being held as a hostage in the hope that we will raise so much furor and trouble and complaint against the government that they will institute market value assessment right away and blame it on us.

We are not going to take the blame for it. It is the government that will have to take the blame for it when it comes. God knows if it doesn't have a tax reform accompanying it we'll all be in great difficulty. But there is no reason in the world why the province, through the Treasurer, could not make transitional grants to these municipalities that are being so seriously hurt.

I would like to read a very short paragraph that I think has a lot going for it. Just four weeks ago, the Treasurer of Ontario said; "A working partnership with local government, to weather what will be a very tough year ahead, is absolutely necessary." I buy that statement. All I ask is he does look at us as partners on behalf of the people of Ontario whom we are all serving.

How can the minister say, as he has said in this House in reply to questions put to him, that there would be no relief to the municipalities who are so sorely hurt for 1977? When the question was put, "What about 1978?" he said it was too early to commit himself on that matter.

There is no question, the government is certainly being very unfair to my municipality and several other municipalities I have mentioned; and in the amounts I have mentioned in the case of each one. We know there is going to have to be tax reform. We know it is going to have to go hand in hand with market value assessment. We don't want to be here today to demand market value assessment. I am here to demand relief until such time as the government is in a position to truly equalize the opportunities and the taxes of the people of this province.

Mr. Davidson: Mr. Speaker, I rise to offer reluctant support on the issue before us today, I say reluctant, because I, for one, do not feel the tax reform in the province of Ontario should be delayed any longer, even though I am aware of some of the problems that could develop with the implementation of market value assessment.

I offer my reluctant support because I am trying to get a trade-off with the minister.

I happen to represent one of those cities in the region of Waterloo which is, in fact, trying to get market value assessment established immediately for the year 1978.

The reasons for doing so are well known to the minister, but for the benefit of yourself, Mr. Speaker, and for the benefit of others in this House, I would like to go back a little bit and relate why the municipalities in the region of Waterloo, and particularly the city of Cambridge, are trying to get market value assessment implemented as of 1978.

In 1973 the area was regionalized and became the regional municipality of Waterloo. At the same time the city of Galt, the town of Hespeler, the town of Preston, part of the township of North Dumfries and part of the township of Waterloo, were amalgamated to form what is now known as the city of Cambridge. One of the problems that occurred at that time was that though they realized they were going to amalgamate these communities and form a city, they did not take the time to equalize the tax structure in the various areas in order to assure that once it became a city that the taxes throughout the city would be equal. As a result, we found in the year 1976 approximately 1,800 homes, most of them in the area that had formerly been in the township of Waterloo, were overlevied for taxes. Approximately 300 of these homes were overlevied by anywhere from 20 per cent to 40 per cent. I would like to give you an example. There are two comparable residences located on the same court. One is levied for taxes on the basis of the old Hespeler assessment and the other on the basis of the township of Waterloo assessment. The 1976 taxes for 16 Tamarack Court were \$755.80; 22 Tamarack Court, a comparable home, was taxed at \$613.24, giving a differential of 24 per cent. The only difference between those two places was an imaginary line that happened to run between these two homes: the one home being in the former town of Hespeler, the other being in the former township of Waterloo.

The situation is so bad that the city of Cambridge treasurer, Mr. John McIntyre indicated that the entire tax system in the city of Cambridge was nothing but a mess. I'm sure the minister has been through the documentation on this because I understand she was presented with a brief by the Cambridge North Ratepayers Association, which outlines explicitly the problems that exist in the area.

I wrote to the minister on September 23, 1977, requesting that she take some action. This was following up the proposal put forward by the Cambridge North Ratepayers

Association at a meeting that they had with the minister. I followed up action which the city of Cambridge, through their council, had attempted to initiate. I felt that by writing her a letter I could also add my support to try to get some of the injustices straightened out in that area.

I hadn't received an answer by October 7, so I wrote the minister another letter. I indicated to her that some of the problems were probably greater than had been anticipated; that we were now finding people who were paying taxes from around \$1,089 a year to approximately \$2,000. I have not received an answer to that letter either.

The problem got so great that the people started posting on their front lawns the amount of taxes that were being paid on the various homes in the area. They were told that they were violating the law, either provincial or municipal; that they couldn't post their taxes in front of their houses; that the only thing they could post were for sale signs and various other election signs and things like that. So being the imaginative group that they are, they went out and got for sale signs and they put up, "Will you care to buy this home? The taxes are only so much per year." What they were trying to do was to draw attention to the fact that in their area they were being highly overtaxed.

Some action started to take place. In a letter sent out by the chairman of the region, Mr. Jack Young, to the mayors of the various communities, he pointed out that he had met the minister, along with the mayors, and he wanted this letter to go before the councils. Apparently the minister had told him, and I think it was very nice of her to do so, that if the region could present substantial unanimity on the part of all the area councils and regional councils that she would go to bat for us with the cabinet. Now that's the way Mr. Young has put it in his letter. I understand the minister has gone to bat; I am not at all sure whether she hit a home run or not, but I would like to think so.

Mr. Foulds: A foul bunt down the third base line.

Mr. Epp: She struck out with Darcy.

Mr. Davidson: The people up there certainly are in dire straits when it comes to the form of taxation that they have; so much so that unanimity was achieved.

[4:45]

Mr. Speaker, I don't intend to read all of these, but with your indulgence, I would like to put on the record a letter from Mr. Jack Young, the chairman of the region, to the minister. It says: "I enclose an extract

of regional council minutes of November 10, 1977, which will confirm the support of council for the unanimous stance taken by our area municipalities with respect to the above mentioned proposals." That is from the regional council.

We have a letter dated October 31, 1977 from the corporation of the city of Cambridge, under the name of A. L. Habermehl, the city clerk; a letter dated November 8, 1977, from the city of Kitchener under the name of R. W. Pritchard, city clerk; a letter of November 8, 1977 from the township of North Dumfries, a Mr. Jim Butt, clerk-treasurer; a letter from Waterloo, Ontario, under the name of L. J. Ayers, deputy city clerk; a letter from the corporation of the township of Wellesley, under the name of Gordon Ludington the clerk-treasurer; the corporation of the township of Wilmot, under the name of Grant Swartzentruber, the clerk-administrator; and a letter from the township of Woolwich, under the name of Gordon Cooper, the clerk-administrator; all of which request the Minister of Revenue to implement market value assessment in the year 1978.

As I said earlier, Mr. Speaker, I rise reluctantly to support the bill before us, because it seems rather strange that I'm supporting a bill saying we should extend the freeze on the implementation of market value assessment, and at the same time am urging the minister to heed the requests of municipalities within the region of Waterloo and, if you're able, introduce market value assessment as of 1978.

SUPPLEMENTARY ESTIMATES

Hon. Mr. Brunelle: Mr. Speaker, may I interrupt just for a second, I have a message from the Honourable the Lieutenant Governor, signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1978, and recommends them to the Legislative Assembly, Toronto, November 29, 1977.

ASSESSMENT AMENDMENT ACT (concluded)

Mr. Speaker: Does any other member wish to become involved on second reading debate?

Mr. Epp: Thank you very much, Mr. Speaker. As indicated earlier by several speakers what Bill 91 does is postpone

market value assessment for another year. There have been a number of postponements. Both my colleague the member for Erie (Mr. Haggerty) and my colleague the member for Sarnia (Mr. Blundy), have alluded to this postponement. It's quite obvious the government really doesn't know what it's doing about the whole matter.

We've had three full reviews since 1944-45 or a little later, since Mr. Frost became Premier. Thirty years or so, and every time there are postponements despite the fact that during most of the years the government has had a majority government. They've always shied away from serious reform. Obviously, as indicated earlier, they are shying away from it again. They really don't want to bite the bullet.

One of the things the government hasn't done formally, but has done continually over the last 34 years, is have a ministry of procrastination. They haven't formed that ministry, but they certainly practice its art a great deal. This is evident again today with the postponement of market value assessment. It's probably good for the municipalities that they have decided to postpone it, because as is obvious to everyone they certainly haven't given the municipalities the data they've requested, which they very much should have received.

For instance, the minister has indicated and acknowledged the fact they have some computerized data that would break down, block by block, the kind of assessment contemplated. If this were given to the municipalities, they could evaluate what market value assessment would do in a more intelligent manner. Some of the municipalities have this broad data; others haven't received it. It's very cumbersome for them to come here and to receive it, to go down to the Ministry of Revenue and copy it out. The minister has indicated it's not valuable to them; but a number of municipalities which have it feel it is valuable, therefore why should a decision be made here it's not valuable to municipalities? Why should this decision be made here when in fact those who have received it feel it is valuable?

The other point I'd like to make is that some regional municipalities, as the member for Cambridge indicated, have requested market value assessment. I'm afraid one of the reasons they've requested it is they don't have all the data. I'm not so sure if they had the data they would be as keen to request it. The reason they've asked for it is because a number of problems have developed in the region over the last five years and those problems only became evident

after regionalization came in 1973. There was no demand, there was no request for market value assessment prior to introduction of regional government in 1973.

As indicated by my colleague, Sarnia, Windsor, St. Catharines, Burlington and many other municipalities feel they have been short-changed through the resource equalization grant; and as also indicated earlier, they feel somewhat like hostages, like Mr. Marion from Quebec who was a hostage for some 81 days or something. In the case of municipalities, it's been since about 1973; they've been held hostage for hundreds of days by the present government which chooses to ignore their pleas for additional money.

This could be resolved easily by the government if they chose to give them transitional grants. They could do that if they chose to do so. Instead, they've chosen to permit the municipalities to lose millions of dollars, and let other municipalities which are getting the resource equalization grants subsidize them. Now we notice, of course, that some of the municipalities have gained a great deal from the resource equalization grant, cities such as London. I don't know whether there's any coincidence between that and some of the other political factors evident in the province—representatives from London have had a considerable amount of influence on the government in the past—or whether it's strictly accidental. I guess I'll let the public decide.

It's obvious the minister has condoned the delay in letting the right hand know what the left hand is doing. Some kind of reform is going to have to be brought in, some property tax reform, and after much procrastination the government is going to have to come to grips with this. One of the aspects that hasn't been touched on today is the fact a lot of municipalities want to have an interim payment early in January. I was told this morning by one municipality that due to this delay in bringing in this bill and letting the municipalities know what is going to happen, whether or not they're going to have market value assessment, they're going to lose thousands of dollars next year because they won't be able to bring in their interim payment as quickly as they originally did. Last year they brought it in, I think, on January 10. They were able to gain the interim tax levies from the taxpayers at an earlier date than will be possible this year. This is a municipality of about 50,000. If this applies to all the municipalities which get their money early through interim payments in taxes, and to cities the size of Toronto, Hamilton, Windsor, Ottawa and

others, they can save the taxpayers thousands of dollars. They can save this money if they're very conscious of the money they get early and invest it in short-term investments and also use it to make their day to day payments. By bringing this bill in at this late date thousands of dollars will be lost by the municipalities of Ontario. The municipalities must start organizing at this point to get their interim payments. The bill isn't through yet and we don't know how much longer it will take to get the bill through. I don't think this is fair.

I wish the minister, in her comments, would address herself to why there has been this delay in bringing in Bill 91 and why there has been a delay in letting the municipalities know what is happening. I wish she would also address herself to the point raised by myself and others with respect to bringing in transitional payments to municipalities such as Windsor, which is losing millions of dollars this year, Sarnia and other municipalities in the province.

I wish she would also address herself to the point I raised on at least one previous occasion: Municipalities would like the raw computerized data with respect to market value assessment. I for one, and this party, and the people of Ontario, can't make an intelligent, rational decision on how market value will affect them until this data is disseminated to all the 835 municipalities in Ontario.

Ms. Bryden: As previous speakers have pointed out, this bill is the third postponement of market value assessment. One wonders if the government will ever find the right time, politically speaking, to bring in the reform of our assessment base.

In addition to the cost of the various assessments carried out, and the various deadlines which have been attempted and missed, there is also the cost of a number of tax appeals which various taxpayers have been able to win successfully against the government due to the present inadequate assessment system. I don't know whether the minister can give any estimate of how much has been lost through that avenue during the period of uncertainty about the revision which has not come into effect.

When the move to market value assessment was first proposed, the NDP urged the government to make sure an adequate study was done of the likely effect on different classes of taxpayers, in order to determine whether there was going to be a shift of substance of the tax burden from business and commercial taxpayers to residential tax-

payers. We urged the government to study methods of offsetting any such substantial shifts.

They do not appear to have produced a satisfactory solution to this problem. They appear to be floundering in their efforts to find such a solution and prevent such substantial shifts. So, since this has not been done there is very little we can do but support this postponement. I would hope the government would use the next year to produce a more detailed plan for preventing radical shifts between business and commercial taxpayers and residential taxpayers and between groups of residential taxpayers, some of whom are more affected by inflation than others.

[5:00]

I want to speak to section 1, subsection 2, which declares that any erection, alteration, enlargement or improvement to property costing in excess of \$2,500 in value shall be subject to assessment and taxation next year, which, as the minister pointed out, closes a loophole. I suggest that in bringing in this clause, the minister might consider an amendment which would add an exception to this clause, stating that any home modification made to enable a handicapped person to lead an independent life in his own home should be exempt from assessment and taxation next year and for all future years.

Many handicapped people have to be institutionalized at a cost of \$15,000 to \$20,000 a year to the province, if they are not assisted with the cost of home modifications to enable them to stay in their own home. Just by way of example, I would like to draw the minister's attention to a family in my own riding. The Van Santen family has an average size home, quite adequate for the four members if they were all fully mobile, but 15-year-old Chris has cerebral palsy and must operate from a wheelchair. He cannot go up or down stairs and his father can no longer carry him.

Recently the family spent \$20,000 to add a ground floor bedroom for Chris. It has a special bathroom attached, with the door wide enough for a wheelchair, and a shower and basin designed for Chris's special needs. In addition they installed a back porch with a lift built on to it, so that Chris can move from his room to the street and the outdoor world on his own.

The family has appealed to provincial and municipal officials for exemption from extra assessment based on the modifications. They argue that families with a handicapped member have extra heavy expenses which others do not have. Moreover, they contend

that the changes in the house may not add anything to the market value of the house since the special equipment is not likely to be needed by very many purchasers. So far they have received no promise of relief, although the government puts advertisements in the newspapers boasting about all the services it is providing for the handicapped. But, when one reads the fine print, one finds that home modifications—

Mr. Speaker: I would like to remind the hon. member, that while she makes a good point she is talking about something that isn't in the bill rather than a principle that is in the bill. Perhaps it may be more appropriate if she pursued this in clause by clause by way of amendment, rather than dealing with something that actually isn't a part of the bill.

Ms. Bryden: Yes, Mr. Speaker. I was just suggesting an amendment the minister might bring in herself if I could persuade her. However, your point is well taken. I think it is a question of assessment of changes in the value of property which is covered by the section that I cite. I would just like to say that the minister can make a real contribution towards enabling handicapped people to escape from dependency, and to operate on their own, if she would consider an amendment of this sort.

Mr. Mancini: I rise to support Bill 91. The postponements of this market value assessment are starting to become a joke here at Queen's Park and in many council chambers across this province. We all know why the minister, and why the government across the floor, have decided not to proceed with market value assessment. It doesn't have anything to do with the effect it will have on the taxpayers of this province. The only reason we have this bill before us is because the government has 58 members instead of 64.

We also know why the ministry and the government do not want to proceed with market value assessment, because they have informed us of the kind of tax reform they would like to initiate after they have had market value assessment forced on the people of the province. We know they are considering taxing all public buildings, charitable institutions, golf courses and many other things I could name now.

We have brought this subject up in debates previous to this and I wonder, when my colleague, the member for Waterloo North, asks questions concerning factual information his municipalities or other municipalities across the province would like concerning market value assessment, why the

information has not been given? I have been here, I have listened to the answers of the minister, yet everyone is in a state of confusion.

Many of the people finding it very difficult to pay their property taxes now are worried. The senior citizens are worried because they might be forced to sell their homes, which they worked all their lives to buy and maintain. And when is the minister going to stop these postponements? When is she going to try to initiate tax reform without market value assessment? When is she going to take steps to help cities like Windsor and its surrounding area, places like Sarnia, which have been detrimentally affected by her government's policy?

These are straightforward questions I put to the minister and I hope she addresses herself to them in her response.

Mr. Charlton: I too rise reluctantly to support this bill. Reluctantly, I suppose, because for the past four years I have been a part of that declining morale in the assessment division to which my colleague from Welland-Thorold referred. I do though understand the government's need to postpone this market value reassessment yet again. They have not come fully to terms with the recommendations of the Blair commission and as a result are not prepared, or have not laid the base on which the reassessment will be implemented.

I would like to say though simply postponing the reassessment once again is not good enough. For us in this House—the government side, the party to my right, and my own party—it is not good enough to say the government, for political reasons, has postponed the reassessment a number of times. It is probably very true the political reasons, the minority government situation, played a large part in the government's decision. By the same token, both parties on this side of the House are here today supporting the postponement as well.

Everybody, for whatever reason, seems to be afraid of the implementation of this reassessment and the political consequences. That should say something to all of us about the whole program of market value reassessment. It says something very serious to me, and I say to the minister it should be quite obvious from the debate today even the legislators in this House don't fully understand what the reassessment is about, don't understand what the consequences of its implementation will be and don't understand what the consequences of its postponement are. If it's not clear that the legislators here in this House understand those things, municipal politicians right across this province are in

the same boat, they don't understand—it isn't clear to them what the consequences are, either way.

Even more so the public most certainly doesn't fully understand. Members of the public who have complained about their assessments under the current system over the past seven or eight years have been told, with some degree of accuracy, by assessors: "We're sorry about the inequities you feel are in your current assessment, but there is nothing we can do about those inequities at present. But we feel honestly, that your problem will be resolved under the market value reassessment." Some of those people are looking forward to that market value reassessment, but they still don't understand it.

Even with that, the large majority of the public are afraid of the consequences. They're already upset about the level of property taxes they pay. They don't understand how market value reassessment is going to affect their relationship with their neighbours and other neighbourhoods in their community and the rest of the region, if they happen to live in a region. If all of these things aren't very clear to the minister, they're certainly clear to the members of her staff who work in the assessment function and who I see here today.

In 1970 this government took over the assessment function for the entire province. It embarked upon a province-wide uniform market value reassessment. The reasons why the government took on this project were obvious and well stated. The current assessment system was found to be riddled with inequities, within a municipality, between properties, between neighbourhoods and between municipalities.

The assessment levels in municipalities ranged from very low percentages of actual market value to almost full market value, in some instances. This caused problems in the grant structure in amalgamated municipalities and in regions. The trends in the real estate market over the past 20 years had caused considerable disparity between the residential, commercial, industrial and farm sectors. The lack of consideration in the current assessment system of the age and condition of older homes over the years with each new home that was built caused a considerable disparity between old homes and new homes.

All these factors and many, many more led the government to decide that the problems of inequities, inequalities and imbalances in the assessment system could only be dealt with through a complete province-wide uniform market value reassessment. Those were all serious problems in 1969. The government's initiative to deal with those problems was an admirable one.

At the outset of this program, the current assessments were frozen province-wide and the inequities were all locked in. Unfortunately, they were only locked in from downward mobility. With each year that's passed since 1970, the inequities in the current system have grown. They didn't freeze them from becoming worse.

The situation has become so bad in a number of municipalities across this province that we have seen, and we are seeing, municipality after municipality demanding that the market value reassessment be implemented—demanded in many cases, by citizens and by councils who don't fully understand the import and the consequences in terms of the tax shifts, hardships and so on the reassessment could cause in their area. They are demanding this implementation because of what has become in their area, their municipality, or their location, a situation under the current assessment system which is so ridiculous, and so outrageous they can't put up with it any longer.

[5:15]

Market value reassessment was begun in 1970 with the intention of implementing it in 1974 for taxes in 1975. The province was reassessed at a 1972 market value level in a fairly uniform fashion, although there were some minor differences in practice and application of ministry policies across the province. I think it's fair to say however to a large degree the reassessment at 1972 market value was done in a fairly uniform fashion at a reasonably acceptable variance from actual market value.

The subsequent postponements meant that eventually the assessment branch had to update 1972 market value to 1975 market value. To accomplish this a number of different methods were used. In the case of residential properties the assessments were updated from 1972 to 1975 by a market factor. That means some of the individuality of the assessment done for the 1972 market value was lost.

At this point the problem isn't severe, but it is a factor. I think in the majority of cases commercial properties were reassessed at 1975 market value, based on income. I think, although I didn't work on any of it, some industrial properties were as well. For the most part industrial properties were updated from 1972 cost values to 1975 cost values. In the case of farms, the buildings were updated by a factor, and the land was reassessed at 1975 market value.

Although it is not severe and is still acceptable at this point, we've got creeping into this new system, this market value system, a

number of small inequities before we have even had a chance to try it.

My colleague from Welland-Thorold read the minister a quote earlier from the report of the Blair commission saying if those 1975 market values weren't implemented virtually immediately they would have no value. I don't think it's quite as bad as the Blair commission has stated but it is almost a unanimous consensus throughout the assessment branch that if the market value reassessment is delayed beyond 1979 those values will be useless and the entire job will have to be redone from scratch. All of the past 10 years will go down the drain and the frustration will be much greater in the division itself, I suppose.

None of us even know at this point what the reassessment will mean in terms of overall equity and tax shifts. No one is quite sure at this point whether the market value assessment approach is the answer to the problems in the property tax sector. Even in its best form market value assessment has not been fully explained to the public. Already we have postponed it long enough so those inequities are starting to creep into the system.

As a result of all of this, I feel a number of things have to happen in addition to this postponement. This government has to be prepared to do something now to deal with the problems faced in the municipalities with the just horrendous number of inequities that exist in the current assessment system. My colleague from Welland-Thorold talked about some of them. The members to my right have talked about others. But there are literally hundreds and thousands of them that have to be dealt with. If the government is not going to take responsibility for implementing tax reform, then the government is going to have to be prepared to deal now with the problems the municipalities and the taxpayers in those municipalities are facing.

We've heard a lot of talk here today about this whole question of the public's view of market value reassessment and the fact the government and, generally speaking, this Legislature have shied away from implementing it because of political reasons. After 10 years there is no point in running away any longer. There is no point in this postponement if we're not going to be in a better position next year than we are this year.

This Legislature should be very clear, and the minister should understand fully, unless the public, the municipal politicians, and the members of this Legislature are far, far better acquainted with market value assessment and the Blair commission, or whatever other tax recommendations are going to

be implemented by this government, we'll be going through the same thing next year. Everybody will be reluctant and it's quite possible we'll go through the same thing next year anyway, because of the election or lack of it.

The Ministry of Revenue assessment division should be getting out the market value data to the municipalities and to the taxpayers, property by property, with both the old and new assessment on them. It's easy to say, and I've heard the comment from assessors, assessment commissioners and even some of the minister's senior staff, if the ministry puts the market value data out to everybody they'll scream. Obviously if it goes out it's got to go out in conjunction with a campaign on the part of the ministry to discuss it with the people in this province. But there is no sense in letting the whole project go down the drain because the minister has to postpone it again next year.

Put out the market value data. Let the municipalities establish what the 1978 mill rate would have to be to cover them based on the market value assessment. Let them apply that mill rate against individual assessments. Let the homeowners have a look at the taxes they would have had to pay. Let everybody get involved in the discussion and let the ministry play a positive role in terms of talking to the people of this province about what that reform means.

Let us use that method to decide now whether we should scrap this project altogether and start looking for other alternatives or whether we should go ahead with this project. But let us not keep our heads in the sand. Let us not push this project off and off and off, at the same time ignoring all inequities in the current system and allowing them to go undealt with because we're promising everybody they'll be dealt with when we do a reassessment.

It has gone on long enough. It's time we and the ministry did something positive to see the public and everyone concerned in this whole process is apprised exactly in hard facts and dollars and cents, what this reassessment is all about, so we can finally come to some conclusion.

There's no point in having to go through another five or six years of another reassessment if we're going to end up going through this some process again.

Mr. Foulds: Very good. Very fine speech.

Mr. Ruston: I suppose a person could talk for an hour on assessment, but since we're dealing with only the delaying of market

value assessment in Bill 91 I'll try not to wander off the bill.

There are a number of things involved in market value assessment and are the reason many people are concerned. In one of the townships in which I was involved, putting in market value assessment probably would be a major catastrophe, because it has about 17 warehouses of Hiram Walker and, of course, stores liquid refreshments that many people buy. I suppose the market value of one of those warehouses is not necessarily that great to many willing buyers and willing sellers. What could be in that case, is the tax structure could really increase in the residential and farming area.

Just a few years ago the Treasurer lowered the assessment for liquor industry, where the business assessment was 150 per cent, to 140 per cent. In that township alone it meant \$24,000 more spread out over the residential taxes and farm taxes. That is alleviated to some extent in the farming area, of course, because of the province's 50 per cent of grant for farm purposes.

But I wanted to speak with regard to the equalization resource grant in the city of Windsor, since it neighbours on my riding. The hon. member for Windsor-Walkerville (Mr. B. Newman), who cannot be here today, I'm sure would want to speak on this matter, because he has been involved in it for some time. From the reports we see in the paper, and from the people in Windsor and their officials who have done a study on this, it would appear that they are about \$8 million short of provincial grants for the city of Windsor. That is really a major catastrophe. Windsor tried to keep up on its assessment a number of years ago.

Essex was one of the first counties in Ontario to go on a county-wide assessment and then, of course, it wasn't long after that the province took over the whole thing. But we did have inequities, probably much more so when we had each municipality doing their own assessing. We felt that when the county took over, it did right some of the wrongs that previously had been there.

But before we bring in market-value assessment, there has to be a reassessment of costs, programs and provincial government sharing programs with the municipalities. Probably there should be a real look at whether education taxes should be on the municipal taxes at all, or whether there should be a step to have them removed from the municipal tax burden. Over the past 10 years our party, of course, has recommended that at least 80 per cent of the cost of education be borne by the province.

Mr. Foulds: Are we on the principle of this bill, Mr. Speaker?

Mr. Ruston: Of course that varies in some areas even today, because of certain assessment rates and so forth.

The whole structure of paying for services to people, services to property is something that should be given a thorough examination before we can bring in market value assessment. One has to consider all of them in the total package. It's going to have to be done because otherwise it could be a real major problem in many municipalities.

Mr. Bounsall: I rise specifically to talk about that area of the bill which most detrimentally affects the city of Windsor. They really started several years ago to realize that the resource equalization formula was working to the strict disadvantage of Windsor. They've lost considerable amounts of tax money. Now, having in the last several months done their calculations very carefully, it amounts to \$8 million.

Just a short time ago it occurred to them there may be other communities in the same situation as Windsor. They reached out to the nearest one of any industrial size, Sarnia, and found in fact Sarnia was in the same position. Since then they have found 18 other communities in the province of Ontario, none nearly as badly off as the city of Windsor in total amounts of money lost, that are disadvantaged because of the continued freezing of section 71 of this Act.

[5:30]

This section has been frozen now for eight years, and its effect upon Windsor is now quite profound. I hope the representatives from all of those 20 municipalities affected by this continued freezing of section 71, of which Windsor is the most affected, would take careful notice of the amendment that will be introduced by the member for Welland-Thorold. This is on section 3 of this bill, referring to section 71 of the Act, which deals with the equalization factors and proposes to have that, "... be not in force and remains inoperative until the 1st day of January, 1979." This amendment would change 1979 to 1978, and require the ministry to cause resource equalization to take place. We're not talking about market value assessment equalization by that amendment causing section 71 to become operative.

The problem that Windsor and 19 other communities are facing would be met starting this January. It's become very critical for the city of Windsor, the taxpayers of Windsor, that that type of equalization take place now. I'm sure the member for Sarnia now appreci-

ates the amendment will be put forward by the member for Welland-Thorold. We will receive support on that amendment to ensure that equalization allowed for—it's quite a broad section, under section 71 of the Act—now starts to take effect as of this coming January. Thus the \$8 million worth of inequity, as it affects Windsor, and the other inequities in 19 other communities across this province, must be dealt with starting January 1978.

The members for Welland-Thorold and Hamilton Mountain certainly did a fine job in their remarks in dealing with the bill in total but this is the section which is very critical to the city of Windsor. This is the amendment which will remove that inequity and allow that resource equalization to take place, where we're no longer disadvantaged. This section is absolutely key in this bill and I recommend to all members of the House that they support the amendment to change the date from 1979 to 1978 so equalization and equality must take place across this province and that no community be in this severely disadvantaged situation.

Mr. Wildman: On a point of order, I would hope that the House would join me in welcoming the former member for Algoma, Mr. Bernt Gilbertson, who is in the gallery.

Mr. Warner: I think we deserve some explanation from the Minister of Revenue, particularly in the light of the statement made by the Treasurer today regarding the boundary changes for Metro Toronto that flow from the Robarts commission report. The minister is well aware that much of the thrust of that report hinged upon the market value assessment; it hinged upon the Blair commission recommendations. Are we now to just pitch the whole report; put it on a shelf somewhere; forget the \$1.1 million spent on that exercise? What the minister has created with this delaying tactic is a great deal of confusion for two and a half million people in Metro Toronto.

The Treasurer stood today in the House and said the government of Ontario was not going to change the boundaries of the area municipalities in Metro Toronto. Fair enough. There are certainly lots of logical reasons why the boundaries should not be changed. But he doesn't have anything to put in its place. That of course was the most serious part of the whole Robarts report. It identified the economic problems and said that a way to handle the problems was to change the boundaries. The Treasurer says we are not going to change the boundaries but we don't have anything else to put in its place.

The report at the same time said that not all of the answers to the economic problems could be found until we knew what the province was going to do with market value assessment. I think the minister owes—not just to myself obviously, but to the two and a half million people in Metro Toronto—some answer to the confusion she's a part of now. The Treasurer began the confusion this afternoon and she's now adding to it.

I think we need some answers, and pretty fast, because otherwise it would appear that we are not going to salvage the good parts from the Roberts report—and there are a lot of good parts to that report. But the thing is that report is just going to sit on the shelf and collect dust unless we get some clear answers both from the Minister of Revenue on market value assessment and from the Treasurer as to his alternatives to not moving boundaries around. Because those small boroughs of York and East York in particular are desperate for some answers to the financial problems and at this point neither the Treasurer nor the Minister of Revenue is supplying the answers.

Mr. Deputy Speaker: Is there any other member who wishes to participate in this debate? If not, the hon. minister.

Hon. Mrs. Scrivener: Thank you Mr. Speaker. I would like to thank members for their full participation in the debate of this important bill. I appreciate the concerns they have expressed to me today. I want to reassure them they have been duly noted and will be considered during the deliberations of the government as to the future directions and policies concerning the introduction of market value assessment.

I would also like to reassure members that there will be the fullest consultation and dialogue over the introduction of market value assessment. It will be very much a part of the introduction of this important adjustment and improvement to our municipal system. This dialogue will be carried very directly to the individual taxpayers who will have an opportunity to bring up their questions and discuss their requirements and their tax bills with experts who will be on the scene to serve them.

I detect what I can only describe as a morbid fascination by the members as to the introduction of market value assessment. It's as if they are in the position of the spectators who are watching a man on a high wire, wondering whether or not he may fall or whether he'll make it. I suspect that there's a similar fascination with the progress of market value assessment as it proceeds through the hands of this government.

I would like to reassure members that there is no doubt in my mind as to the outcome.

Mr. Reid: We are watching a woman on a tightrope, not a man.

Hon. Mrs. Scrivener: That may be even more interesting.

As to the remarks from the various members, I certainly appreciated the remarks from the member for Erie (Mr. Haggerty) who reviewed and expressed his concern about possible tax shifts from industrial assessment to residential, and noted what he thought might be an impact upon hospitals and separate schools under market value assessment.

He did note that the differences in interpretation of assessment manuals were the Treasurer's responsibility. I think though that this is the whole point and the whole thrust of market value assessment—that we are going to get a uniform application.

The member for Welland-Thorold (Mr. Swart) touched on a couple of things. In the first instance, I want to confirm to that member that assessment values placed upon new construction most definitely come under market value.

I still noted that he didn't declare whether or not he would bring in his amendment, but he did say he supported the bill on second reading. I thank him for that.

Mr. Haggerty: He is going to.

Hon. Mrs. Scrivener: The member for Cambridge (Mr. Davidson) gave us a lengthy description of the Cambridge experience. His description, as I understand it, is factual. I think he has caught the fact that I have been as concerned as the members in that area for what is happening to that municipality. I have been most deeply involved with the development of the local municipal policy and expect to be able to respond to it in due course.

Concerning the remarks of the member for Waterloo North (Mr. Epp), I would remind that member that a considerable amount of data has already been provided to the municipalities. Really and truly there is no point in providing block by block computer data to the municipalities without having it refined to a very considerable degree—unless it is just that members want to satisfy their own personal curiosity about individual assessments on residences. That can be provided if the member is concerned.

Mr. Epp: Toronto got it, and they appreciate having it.

Hon. Mrs. Scrivener: No, they did not. You are confusing what it is that the city of Toronto asked for and received.

On his remarks concerning delay on putting out interim bills in January, in all fairness I have to say to the member that had this bill been debated last Tuesday, as we wished, there wouldn't even be a possibility—it wouldn't even be part of his remarks today. But his own House leader indicated that his party was not prepared to proceed at that time.

However, I would reassure the member that any municipality which has put out an interim tax bill in the past can certainly proceed to put out an interim tax bill as soon as 1978 is with us for at least 50 per cent of the previous year's tax bill. There is nothing to prevent a municipality from raising money in that way.

The member for Beaches-Woodbine (Ms. Bryden) departed just a little bit from the principle of the bill when she called for "a special assessment or relief for persons who require modifications to their dwellings to accommodate handicapped persons." She raised this matter with me during the estimates debate for the Ministry of Revenue and I indicated to her at that time my comprehension and sympathy for the point that she was making.

As Minister of Government Services I was responsible for a great many of the modifications now used by handicapped persons in public buildings in this province and in this Queen's Park complex. I heard her very well during the debate on estimates, and I heard her again today, and I will remember.

[5:45]

The member for Hamilton Mountain (Mr. Charlton) stressed a lack of comprehension by legislators, municipalities, the public. I have to say I don't concur. I believe a great group of people in the public sector do understand market assessment very well and understand its implications and its impact. They have taken the time and trouble to inform themselves and know full well what is involved with the introduction of market value assessment.

Mr. Warner: He worked there. He knows more about this.

Hon. Mrs. Scrivener: I simply can't concur with his statement and I would suggest the very fact some of his own statements were equivocal may be a reflection of his own confusion.

Mr. Swart: He knows more about this than anyone else in this House by far.

Mr. Warner: Forgot more than you could learn.

Hon. Mrs. Scrivener: Mr. Speaker, to conclude, the member for Sarnia (Mr. Blundy)

referred to the fact I had said earlier no group of taxpayers in Ontario would suffer. I would reiterate in my closing remarks I will not introduce market value assessment in Ontario until I am satisfied it will not work a hardship on the taxpayers of Ontario—

Mr. Blundy: What about the hardships now?

Hon. Mrs. Scrivener:—and will not create a disruption to local municipalities.

Motion agreed to.

Ordered for committee of the whole House.

MUNICIPAL ELECTIONS ACT

Mr. Ashe, on behalf of **Hon. Mr. McKeough,** moved the order be discharged and Bill 49, An Act respecting Municipal Elections, be withdrawn.

Motion agreed to.

Mr. Swart: Mr. Speaker, would it not be in order at this time to ask for an explanation for the reason of the withdrawal? Or can we anticipate there will be a statement by the Treasurer in the House?

Mr. Ashe: If I may, Mr. Speaker. If the hon. member had been listening, I'm sorry to have awakened him, the eighth order was the calling of Bill 49 which, as I'm sure the hon. member is quite aware, the government replaced with Bill 98.

Mr. Ruston: My gosh, wake up, Mel.

CORPORATIONS TAX AMENDMENT ACT

Hon. Mrs. Scrivener moved second reading of Bill 88, An Act to amend the Corporations Tax Act, 1972.

Mr. Deputy Speaker: Does the hon. minister have an opening statement?

Hon. Mrs. Scrivener: Yes, I do, Mr. Speaker. I doubt I'll finish it by 6 o'clock.

This bill, An Act to amend the Corporations Tax Act, is the first legislative step in this phase of our tax simplification program. I say this phase because tax simplification is by its nature an ongoing, revolutionary process.

The basic objective of the tax simplification program is to make compliance with and administration of the statutes as straightforward a process as possible. If we, as a Ministry of Revenue, expect taxpayers and tax agents to comply with requests for returns, remittances and highly confidential information as we do then the onus is on the ministry to provide a sufficient level of service so

the taxpayer knows and readily understands his rights and obligations. There are several steps in the provision of this service.

The first step in giving effective service is to provide sufficient information so the taxpayer knows his obligations and his rights. This information must be clear, concise and easily understood. The vast majority of our taxpayers are not experts in law or finance and have no access to that kind of expertise other than through my ministry. We are, in effect, the basic tax advisory service for 75 per cent of the business in Ontario.

The second requirement of good service is accessibility. If a taxpayer has a question or a complaint, he needs to contact the right person at the time he has the problem. He should not be subjected to the old runaround, being shunted from office to office or being told to fill out yet another form. He needs and has a right to receive an answer immediately.

A similar situation should prevail when our assessments are being questioned. Tax disputes should be resolved quickly and fairly. One cannot offer to listen to a taxpayer and then make it impossible for him to be heard through the din of bureaucratic machinations.

The third element is the elimination of as much red tape as possible. Tax administration should not revolve around the processing of paper, it has to revolve around the taxpayer. However, I am well aware some such processing cannot be avoided, given the complexities of most legislation as well as of human nature. Nevertheless, I believe paper should be kept to a minimum, forms should be simple and clear, and the bulk of the work should be placed upon us rather than upon the taxpayer.

Mindful of the elements of good service, and the needs of those with whom we do business, Mr. Speaker, my ministry has taken action on three main fronts. First of all, we have completely reorganized our tax bulletin program. We have adopted a new format which is easier to read, with an emphasis on clarity of language, timeliness and facts. Every attempt has been made to eliminate jargon without losing the substance of the message.

In the case of the corporations tax, we have changed to a series of bulletins which cover general information, technical interpretations and procedures. The new format of our bulletins appears to have been well received, judging by letters and comments which have come into our office.

Our next development on this front has been the provision of a binding advance

ruling service for corporate taxpayers. Since April, information on how to obtain a binding advance ruling from my ministry on a specific transaction has been available to corporations. This new service is designed to deal primarily with cases in which Ontario's tax differs from Ottawa's.

I am pleased that in setting this new procedure in place we have managed to hold red tape to a minimum. In formulating the advance ruling service, my ministry was assisted for the first time by our new tax advisory committee. As I have already reported to this House, Mr. Speaker, the contribution of the committee and its individual members has been enormous and I look forward to further fruitful consultation with its members.

Much has been said recently concerning the need for tax simplification. For example, it has become a major issue for the United States federal administration. I would like to take this opportunity to recommit my ministry to the objective of tax simplification.

We have taken major steps on the procedural front, as I have already pointed out. However, there are limits as to how much can be achieved through procedural change. Eventually, the statutes themselves must be examined. This is necessarily a slow and deliberate process for a number of reasons.

Governments in general, including the government of Ontario, are relying increasingly on various tax policies as a way of achieving social and economic policy objectives.

Mr. Laughren: Yes, with regressive taxes.

Hon. Mrs. Scrivener: These goals are achieved in a number of ways—differentiated rates, inclusions in the tax base, exclusions from the base—

Mr. Laughren: Reverse.

Hon. Mrs. Scrivener:—write-offs at various rates, and special allowances for actions within a certain time frame. But all of these, by their very definition, add complexity to the statute involved.

Procedural change is one solution to the problem of tax simplification, and I have already outlined some of our steps in that direction. The other is legislative overhaul.

As you are aware, Mr. Speaker, the Ontario Corporation Tax Act closely follows the Income Tax Act of Canada. The exceptions relate to matters concerning the tax policy of the Ontario government.

Since 1972, there have been at least five major amendment bills by the federal government to the Income Tax Act. Even though Ontario paralleled more than 95 per cent of

these changes as they affected corporations, it was still necessary for Ontario to produce large amendment bills to give effect to the parallels. You will gain some idea of the extent of the changes when I tell you since 1972 these various amendment bills have given effect to over 1,000 amendments.

As was pointed out at the recent conference of the Canadian Tax Foundation here in Toronto, constant changes in the statutes, particularly the Income Tax Act of Canada, are a source of continuing problems for the taxpaying community. Similar volumes of change in the Ontario Corporations Tax Act only serve to aggravate the situation.

The bill we have before us today contains, among other items, provisions to correct this situation. In the future Ontario will automatically tie into the Income Tax Act of Canada unless the government chooses to differ.

There are several benefits to this approach. First, there is certainty. Taxpayers will know that where the law is supposed to be the same, it will be the same. Second, all intended differences between provincial and federal law will be highlighted. Thirdly, the number of legislative amendments required should be drastically reduced.

The end result will be a reduction in bulk in the statute and an increased comprehension of the statute. Consequently, I think a significant increase in ease of compliance with, and administration of, the statute will follow.

This bill contains two other major amendments to the Act, aside from the general simplification procedures.

This bill contains provisions to give effect to the tax aspects concerning venture investment corporations. Venture investment corporations, or VICs, were first proposed in 1974 as a means of encouraging the accumulation of venture capital to finance high risk or emerging, small businesses.

One of the biggest stumbling blocks for the individual entrepreneur is access to adequate reasonable cost financing. By offering a tax deferral we hope to encourage the large corporations to finance smaller ones, while at the same time ensuring that the large corporations do not control the small ones.

Briefly a venture investment corporation is one registered under the Venture Investment Corporation Registration Act, which was approved by this Legislature in the last session. This Act provides the terms under which a company may be registered as a

VIC. Some of the characteristics of a VIC are as follows:

A majority of the directors must be resident Canadians;

The objects of the corporation must require that its sole purpose is to assist small business development through the provision of financing and business and managerial expertise;

Within the first two years of operation the VIC must have 80 per cent of its assets invested in small business;

Ninety per cent of the assets of the small business must be in Ontario;

The VIC cannot hold more than 40 per cent of the equity shares of the small business.

All investments by a VIC must be at arm's length of its shareholders, officers and directors.

Originally it was our hope that the federal government would join Ontario in this effort to assist small business. While it is sympathetic, the federal government is not prepared to join the proposal, therefore Ontario must provide the necessary tax incentives alone. This bill provides the tax provisions necessary to make the VIC concept operate.

Under the provisions of this bill, a corporation investing in a registered venture investment corporation will be permitted to deduct 250 per cent of its investment from its taxable income, with provision to carry any unused deduction forward against future income. I hasten to point out that this method operates as a tax deferral, not a permanent deduction.

When the shares of the VIC are sold, or the VIC ceases operation for any other reason, 250 per cent of the proceeds of the sale must be included in the investor's income in that year. Any profit on the original investment will be taxed in the hands of the corporate investor as capital gains. Capital losses will not be allowed, since the total original tax deferral will not be recovered in a lost situation. Venture investment corporations themselves will be subject to the Corporations Tax Act at regular rates, as well as the paid up capital tax.

In this way we hope to encourage the formation of venture capital pools to assist our small business community, a community which forms a vital thread in the social and economic fabric of Ontario.

This bill also contains several significant administrative changes to the Corporations Tax Act, which are in tune with the general theme of tax simplification. These are de-

signed to reduce pointless duplication of effort by the taxpayer and to remove certain rigidities in the appeal procedure.

In line with the proposal to tie-in with federal income tax provisions wherever possible, corporations may settle their objections to Ontario reassessments, based on federal reassessment at the same time and on the same basis as they settle their federal objections. This new procedure will eliminate the filing of duplicate tax forms and will reduce time spent in negotiating with each of two tax jurisdictions on the same issues.

In addition, extensions of time for filing notices of objections and notices of appeals will be available in extenuating circumstances. Some corporations have previously lost their right to object to or appeal Ontario reassessments because, due to circumstances beyond their control, they have missed the deadline for filing formal notices of their intention to object or to appeal—

Mr. Speaker: Will the hon. minister find an appropriate place to interrupt her remarks? You have a page and a half?

Mr. Laughren: It is too late now.

Mr. Foulds: Carry on.

Mr. Speaker: Is it agreed that she be allowed to complete it?

Agreed.

Hon. Mrs. Scrivener: Thank you.

And, in future, corporations will no longer be required to post security for the cost of appeal.

Mr. Roy: Great stuff for your dinner.

Mr. Foulds: It may be indigestible afterwards.

Hon. Mrs. Scrivener: Finally, Mr. Speaker, the period for which lien clearances must be obtained where real estate is being sold will be reduced to five years. This period will remain constant in the future so the need to periodically update this provision will be eliminated.

This bill is the first legislative step in our tax simplification program. Indeed, it is the first undertaking of its kind in any tax jurisdiction in Canada. As such, it is the product of months of research, review and consultation.

I think it is gratifying to know that this bill has been very well received in the tax community, both as a desirable administrative policy and as a technically sound bill. Indications are that the federal government has already received the bill positively, and is satisfied as to the technicalities of the bill.

I hope to be able to apply a similar approach to other complex statutes; specifically, I believe we should simplify the Succession Duty Act and the Retail Sales Tax Act.

In conclusion, I believe that this Act to amend the Corporations Tax Act, 1972, represents a significant step forward in the tax simplification process. It will make it easier for both the administration and, more importantly, the taxpayer to fulfil our respective obligations. I am sure that all members of this Legislature will wish to join me in supporting this bill.

Mr. Laughren: Don't push your luck.

Hon. Mr. Brunelle: Mr. Speaker, may I ask the House for unanimous consent to revert to motions—a short motion?

Agreed.

MOTION

Hon. Mr. Brunelle moved that the supplementary estimates of the Office of the Assembly be referred to the standing general government committee.

Motion agreed to.

Mr. Speaker: The first speaker at 8 o'clock will be the hon. member for Beaches-Woodbine.

The House recessed at 6:03 p.m.

APPENDIX

(See page 2398)

Answers to questions were tabled as follows:

42. Mr. Reid—Inquiry of the ministry: Would each minister advise the number of people employed by his ministry as public relations and information officers; the total budget for that branch of his ministry; how much is allotted for salaries, advertising, and other expenses? Would the Minister of Energy (Mr. J. A. Taylor) advise the number of people employed by Ontario Hydro as public relations and information officers; the total budget for that branch; how much is allotted for salaries, advertising and other expenses? Please indicate as of November 1, 1977. [Tabled November 15, 1977.]

Answer by the Chairman, Management Board of Cabinet (Mr. Auld):

As the above question requires additional time to obtain the information requested, I am providing an interim reply, notifying you that an answer will be available within 28 calendar days.

38. Ms. Bryden—Inquiry of the ministry: Will the Minister of Culture and Recreation (Mr. Welch) provide the following information relating to all Wintario grants and/or commitments made since the inception of the Wintario grant program to private clubs and/or organizations which charge annual dues in excess of \$35 per member: 1. Name and address of club or organization. 2. Purpose of grant and/or commitment. 3. Amount of grant and/or commitment and what percentage of total cost of facility, equipment or program it represents. 4. Date of grant and/or commitment. 5. A copy of any undertakings by letter or written agreements between the minister and the club or organization setting forth the precise details of public access to be provided by each club or organization, including the facilities and programs open to the public, the hours that such facilities and programs are open to the public, the methods of publicizing such public access, the cost to non-members for the use of the facilities or participation in the programs either in the form of an hourly or daily charge or a casual or limited membership, and the estimated number of such persons who will use the facilities or participate in the programs. 6. The initiation, annual dues and other compulsory levies charged by the club or organization for full membership. 7. A copy of any bylaws or written rules of the club or organization which limit the number of full members who may be accepted in any year or

which require that applications for membership accompanied by the required dues are subject to approval by any member or members of the club or organization. 8. An outline of the methods to be adopted by the ministry for monitoring and enforcing adherence to the undertakings or agreements guaranteeing public access. [Tabled November 7, 1977.]

Answer by the Minister of Culture and Recreation (Mr. Welch):

In accordance with the Legislative Assembly of Ontario standing orders, page 18, questions by members; standing order 27(i); sessional order 10(a) and (b): Please be advised that question 38, order paper 28, will be costly and time-consuming to prepare. If Ms. Bryden desires to pursue the question further the ministry will co-operate in making available to her any files she may wish to review.

43. Mr. Reid—Inquiry of the ministry: Would the Premier (Mr. Davis) advise what Mr. Keith Martin was paid to do an independent study of the government's information services. What recommendations have been accepted by the Premier's office. [Tabled November 15, 1977.]

Answer by the Premier (Mr. Davis):

(1) Mr. Keith Martin was paid \$10,000 to cover a seven-month period from April 1, 1977 to October 31, 1977 to research, write and follow up on a report on government information services.

(2) The Premier's office has accepted the underlying theme of the report that more co-operation should be achieved among existing information services and that a shared arrangement on some services is both desirable and feasible. A committee with representation from various ministries of the government has been formed to develop specific responses to questions and recommendations raised by the Martin report. This committee was formed following a meeting on November 4 of information directors and/or deputy ministers from all ministries to discuss the report.

44. Mr. Makarchuk—Inquiry of the ministry: 1. What was the total amount paid to Albert Emid and J. Findlay Sleigh in salary, educational assistance, UIC and OHIP when they were dismissed by the Ontario Educational Communications Authority? 2. What other payments were made by OECA for tax purposes, pension plans, unemployment insurance and reimbursement to the Unemployment Insurance Commission? 3. What was the

lump sum payment made to the two producers? 4. What was the total cost of legal fees paid to a law firm when the matter of their dismissal was before the Ontario Labour Relations Board? 5. What was the total sum of money spent on salaries, negotiated settlement and legal fees for the dismissing of the two producers? 6. What work did these people do during the period of time for which they were compensated? [Tabled November 15, 1977.]

Answer by the Minister of Culture and Recreation (Mr. Welch):

1, 2, 3. Albert Emid and J. Findlay Sleigh were originally terminated by the OECA on November 14, 1975. These two terminations stemmed from financial constraints being faced by OECA at that time and were part of a number of cutbacks which included the termination of other employees as well.

The Ontario Labour Relations Board, in a decision dated November 8, 1976 directed that OECA reinstate both these individuals. As they could not be productively employed, a negotiated settlement for final termination was struck.

The financial data is as follows:

Salary to date of final termination: F. Sleigh \$26,859.77; A. Emid \$22,594.96; reimbursement for educational assistance: F. Sleigh \$150.00; A. Emid \$200.00; reimbursement for OHIP payments: F. Sleigh \$215.00; A. Emid \$99.50; reimbursement for outstanding expense account: F. Sleigh nil; A. Emid \$70.00; total: F. Sleigh \$27,224.77; A. Emid \$22,964.46.

Severance pay paid Nov. 14, 1975: F. Sleigh \$1,425.88; A. Emid \$1,199.74; severance pay paid Feb. 25, 1977: F. Sleigh \$16,574.12; A. Emid \$16,300.26; total: F. Sleigh \$18,000.00; A. Emid \$17,500.00.

The authority made the following contributions for the period that Mr. Emid and Mr.

Sleigh were in receipt of salary: Employer's contribution to CPP, F. Sleigh \$135.00; A. Emid \$135.00; employer's contribution to UIC, F. Sleigh \$221.10; A. Emid \$221.10; Total: F. Sleigh \$356.10; A. Emid \$356.10.

No payments were made to Mr. Sleigh for tax purposes, pension plans or unemployment insurance. Mr. Sleigh received a \$3,400.16 refund on his contributions to the pension plan. He had deducted from his salary payments of \$7,867.43 for income tax, \$5,904.00 to reimburse the Unemployment Insurance Commission for benefits received, \$135.00 for CPP contributions and \$221.00 for UIC premiums.

No payments were made to Mr. Emid for tax purposes, pension plans or unemployment insurance. Mr. Emid received a \$3,468.50 refund on his contributions to the pension plan. He had deducted from his salary payments of \$6,589.34 for income tax, \$6,273.00 to reimburse the Unemployment Insurance Commission for benefits received, \$135.00 for CPP contributions and \$221.10 for UIC premiums.

4. Approximately \$17,150 was paid to the firm of Mills & Mills to cover all the legal expenses relating to the dismissal of Al Emid and Findlay Sleigh during the period from January 1976 to June 1977. This covers the initial response to the charge as placed before the OLRB, the preparation for the Examination, the Examination itself, the preparation for the Hearing, the Hearing itself, and the negotiations leading to final settlement.

5. Total salaries and benefits \$50,901.23; settlements \$35,500.00; legal expenses \$17,500.00; total \$103,551.23.

6. From the date of original termination, November 14, 1975, Mr. Emid and Mr. Sleigh did not perform any duties for the OECA. As noted on the response to earlier questions, their particular skills were no longer required.

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Bolan, M. (Nipissing L)
Bounsall, E. J. (Windsor-Sandwich NDP)
Bradley, J. (St. Catharines L)
Breaugh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Brunelle, Hon. R.; Provincial Secretary for Resources Development (Cochrane North PC)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Charlton, B. (Hamilton Mountain NDP)
Conway, S. (Renfrew North L)
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Davidson, M. (Cambridge NDP)
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Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 29, 1977

The House resumed at 8 p.m.

CORPORATIONS TAX AMENDMENT ACT (concluded)

Resumption of the debate on the motion for second reading of Bill 88, An Act to amend the Corporations Tax Act.

Mr. Speaker: When we rose at 6 o'clock, the hon. member for Beaches-Woodbine was about to hold the floor.

Ms. Bryden: I would like to thank the Liberal critic for yielding his position to let me speak following the minister, since I have a rather important engagement tonight connected with my environmental critic responsibilities. I will carry on; the Liberal critic will follow. I'd like to thank him and his colleagues for the courtesy.

This amendment to the Corporations Tax is a rather important bill, because it introduces a new principle, the principle of automatically opting in to federal tax changes in the corporate tax field.

In the past, Ontario has opted in only by bringing in its own legislation, varying the federal tax in such legislation to the extent it desires. But now we will be automatically opted into any federal tax changes unless we introduce specific legislation to vary that federal legislation. So, it is a sort of lock-step principle we are adopting on federal corporate taxation.

I find it a bit surprising to see such unanimity of policy between the Liberals at Ottawa and the Conservatives at Queen's Park. But perhaps it's not surprising when we consider the field we are talking about is the treatment of corporations. They both appear to have, basically, the same philosophy with regard to the taxation of corporations. That is to design a tax system which favours the corporations and puts more and more of the burden on the average individual taxpayer and on regressive taxes such as user charges, property taxes, even motor vehicle licence fees which in the next two months are going up sharply in southern Ontario.

Mr. Haggerty: In southern Ontario?

Ms. Bryden: A great many people in southern Ontario who will be noticing that.

Both the Ottawa government and the Queen's Park government have been taking a smaller and smaller percentage of their revenues from the corporations in the past decade. In Ontario, the figure has dropped from 17.5 per cent of total revenues in 1965-66 to about 10.4 per cent now.

This adoption of the lock-step legislation also indicates the acceptance by both governments of the current thrust of federal tax legislation, which follows the outdated and discredited philosophy that the way to stimulate the economy is to give large tax concessions to the corporations. Fast write-offs, concessions to resource industries and inventory allowances have not stimulated the economy. They have simply stimulated corporation profits.

A recent survey by the Canadian Dow Jones showed that corporation profits for 128 companies surveyed went up by 17 per cent in the third quarter of 1977 compared to a year ago. That's a lot higher rate of increase than the six per cent that's being allowed to wage earners in this year.

This represents the sixth quarterly gain in corporate profits. At the same time we have faced the highest unemployment rate in history, and shocking deficits at both levels. These governments should be looking for tax revenue where the money is, and using that money for direct job creation to prime the pump by tax reductions for the low and middle income groups.

I have pointed out before in this House that Ontario's corporation tax rate hasn't been increased since 1967, over 10 years. We are below four other provinces in the rate of tax at 12 per cent. In fact, only Prince Edward Island and Alberta are below us, and we know that Alberta collects large amounts of revenue from oil and gas licences and royalties.

There are some questions I would like to ask as to the effects of this lock-step stance which the bill effects. The first question is whether we need a separate corporation tax administration, if we are going to be in such close conformity to the federal Act. What is the present cost of our corporations tax administration, since in the estimates it is lumped in with several other tax collection operations? I would like to ask the minister,

will there be any savings from this simplification of the Corporations Tax Act and of the forms that have to be filled out?

We might say that the cost of operating our own corporations tax administration is justified if we are going to make use of the opportunity to vary our tax from the federal tax on matters of significant principle, but at the moment I don't see much desire on the part of this government to do so. However, perhaps it's wise to keep that option open so as to keep the administration in place for the time when the NDP takes over.

In the meantime this bill is certainly welcome in that it simplifies the operation of the tax. Everybody likes a reduction in form filling. It also saves the time of the Legislature, since we would not have to put through numerous amendments to the Act every year to conform to the federal Act. But, of course, it makes it more difficult for this Legislature to monitor our tax system and to vary it. In fact, it may be there will be a feeling with this sort of joint corporations tax that one should not tinker with it, except on matters of very great importance, if we are unhappy with certain clauses we will hesitate to ask the federal government to change them.

It may also reduce our bargaining powers with the federal government if they know that anything they enact we will automatically enact, unless we are willing to introduce a special bill to set that aside. On the other hand, it might increase our bargaining power in that the federal government will be more hesitant to make changes when it knows that every change it makes is automatically enacted in Ontario by virtue of this bill.

It may mean less consultation with us before tax changes. In the past, federal-provincial conferences have usually gone over proposed tax changes if they are of significance, within the limits of cabinet secrecy. Whether there will be as much consultation under this automatic opting in, I am not sure.

The minister in her opening remarks on the bill mentioned the taxation advisory committee which had given her considerable assistance in the drafting of this bill. It is a good idea to consult outside people, but I wonder whether it should be just people who are connected mainly with the business world, or who work with business corporations. She mentions the Canadian Bar Association, the Institute of Chartered Accountants, the Tax Executives Institute, and I think there was one other group.

Hon. Mrs. Scrivener: The Canadian Federation of Independent Business.

Ms. Bryden: Oh yes, thank you, Madam Minister. The Canadian Federation of Independent Business. It seems to me corporation tax is not just for the corporation; it's for the raising of revenue in this province. If you are going to consult people outside, you should also consult the Consumers' Association of Canada. You might also consult a distinguished economist such as Gordon Milling, who is head of the research department of the United Steelworkers, or John Eleen, the Ontario Federation of Labour's economist.

I wanted to ask the minister whether this bill brings into effect the three per cent inventory valuation adjustment which the provincial Treasurer announced in his 1977 budget. This was supposed to compensate, to some extent, for the effects of inflation on inventories. There is a lot of controversy about inflation accounting. I understand this particular change in the budget was not brought in last July when the other tax changes were being brought in because Ontario had a committee investigating the whole question of inflation accounting. Now that committee has reported, I am not sure whether this bill has brought in that part of the Treasurer's proposals in the budget.

The report of the committee on inflation accounting concluded that adoption of a comprehensive method of inflation accounting or current value accounting is not appropriate at this time. However, as an interim measure, it did suggest corporations might, as a supplement to their annual reports, disclose what they considered their accounts expressed on an inflation basis. This was to be as a supplement to their conventional financial statement to enable people to look at both figures as an aid in decision-making and policy development.

It is rather notable that the committee did not suggest the adjusted results should be reflected in a revised treatment of business income for tax purposes. For that reason, I am curious to know if the government has moved any further in that field.

In a minority report to the report of the committee on inflation accounting, Gordon Milling, the Steelworkers' economist, raised serious questions about inflation accounting as favouring the corporate sector with a special degree of inflation compensation not enjoyed by the average taxpayer or wage earner. I would hope we are not moving ahead with that inventory valuation adjustment.

My colleagues are going to deal with some

of the other aspects of this bill, such as the introduction of the allowance for venture investment corporations and some of the other details, so I think those are the main remarks I wanted to make.

[8:15]

Mr. Haggerty: I want to touch upon certain areas of An Act to amend the Corporations Tax Act, 1972. Any form of income tax, whether it be corporations tax or personal income tax, has always provided a difficult area for many individuals or even experts to understand fully.

The purpose of this bill and its 28 amendments is to bring forward provincial tax laws to parallel the federal tax changes, and any amendments that may be forthcoming in the tax changes. It is to dovetail provincial legislation with federal laws. If there is a disagreement from the Ministry of Revenue, changes will then be made separately, otherwise the bill will automatically apply to any federal legislation, as I understand the Act.

It is a streamlining process making legislation easier for the public to understand. There are certain areas in which the bill doesn't coincide or parallel the federal legislation. One is the management fee, I guess it is; election contributions; and the deduction for advertising on foreign communications media, such as television and radio.

There is another area I want to deal with in more detail. It relates to the area of VIC. This particular area is an area I'm not quite sold on. I don't think we know enough about or understand this particular section of the bill. It's the section that includes the venture investment corporations.

At this stage the ministry is asking the Legislature to give final approval to its proposal introduced in the last provincial budget. The legislation to permit the incorporation of a venture investment corporation was going to be passed into law this year, in 1977, to be proclaimed on January 1, 1978. It's almost like rubber-stamping legislation that's already been passed.

The intent of this particular section of the bill is to put new life into, and to assist, small business corporations. It relates to risks taken and certain tax breaks that follow. Looking at it in more detail, I find all the bill relates to me is it's a tax deferment for the larger corporations.

As I said before, I'm not solely convinced this is going to give new life to our economy. We do need employment and job creation.

During her estimates the minister was asked a question concerning this particular section of the bill. One of her staff indicated

the purpose of the bill was, in short, that any corporation investing in a venture investment corporation will be able to deduct an amount which is equal to 250 per cent of its investment in a VIC at 12 per cent, which is the corporate income tax rate, in computing its income tax. That particular deduction is worth 30 per cent in terms of tax rate to the corporation. Instead of getting 12 per cent, which is the normal corporate rate of any kind of deduction in computing income, they can actually claim a 30 per cent tax rate for their investment in a VIC. So you can see, it could be a substantial tax deferment program for large corporations. Quoting from page six of the submission to the Royal Commission on Corporation Concentration by the Association of Canadian Venture Capital Companies—apparently they have done some study in this area:

"The Canadian venture capital industry seems to be moving away from financing new products and technologies. Most venture capitalists currently have a diminishing interest in start-ups. A survey of the members of our association indicates that newly started companies represent only 11 per cent of the total venture capital invested in 1974 . . ."

I believe 1974 was when the Treasurer (Mr. McKeough) had the brainwave to introduce this particular piece of legislation. For some unknown reason it was tabled or not brought forward.

The report goes on to say: "... invested in 1974 and 18 per cent 1975. Sixty per cent of the funds invested by our industry in 1974 and 70 per cent in 1975 went into the development and expansion of already existing corporations, with almost 50 per cent of such companies so funded already having received funds from the venture capitalist . . . in other words, a significant percentage of the Canadian venture capital industry's activities is currently being devoted to keeping going those companies representing the venture capitalists' better investment." There is also evidence "... that weak investments are being abandoned more quickly by Canadian venture capitalists.

"Problems currently facing the Canadian venture capital industry: Venture capitalists are probably involved in the riskiest and most difficult segment of the investment world. They have traditionally been willing to take risks on all kinds of unknowns—new concepts, technology, and often unproven management.

"Yet, as indicated in the previous section, there is a distinct trend away from the higher

risk end of the venture capital spectrum towards more conservative second, third and fourth round financing in more established, sometimes even public, companies.

"Of further concern is the erosion of the Canadian venture capital industry itself. In the past five years, there have been more withdrawals than new entrants of pools of venture capital in Canada. Some of the more significant and, in certain instances, more successful venture capital companies that had operated in Canada have or are in the process of withdrawing: Charterhouse Canada Limited (backed by an English merchant bank); Guardian Venture Limited . . ." There's a list of them, about seven or eight—"International Capital Corporation (Royal Bank of Canada; IAC; United Corporation); a division of MacMillan Bloedel Limited."

He goes on to say: "The flow of funds to small business has also been acutely curtailed because the individual investor, as well as the larger family pools of capital, have virtually abandoned the equity markets. Not only are such investors almost totally absent from the purchase of common stock of public companies but also from any equity-related financing of private Canadian business entities. The following statistics reinforce the collapse of the new issue market for growth companies . . ."

And the list goes from 1968—the number of issues in the United States were 358; in Canada it was 54. The boom year was 1969; apparently a number of them entered into agreement: there were 698 issues in the United States and 150 in Canada. But by 1975 it had gradually dropped; in the United States there were four issues; in Canada, two.

It goes on to say: "This reduction of risk and expansion capital directed to start-up or junior growth companies has become an acute problem and threatens to have a serious adverse impact on the future economy of our nation. It is not so much that the capital isn't available, but rather that the risk of such investments have increased immeasurably without a concomitant augmentation of the rewards.

"The major reasons for this are:

"1. Many investors in private and public small and medium-sized companies in the 1960s undertook such activity with little sophistication. Improper in-depth research of the quality of investment and subsequent inability to monitor such investments led to many investors being badly burnt. This was not confined solely to Canadian investors.

"2. The implementation of capital gains

tax in Canada, effective January 1, 1972, lowered significantly the potential net after tax returns on risk investment."

I'm sure the minister has that particular section in the bill, where the persons investing in a VIC over a period of five to seven years perhaps—that's the length of the investment, the experts tell me—if there's any profit to be made, it can be related to capital gains tax.

Then in the report by the Ministry of State for Science and Technology, entitled, "The Availability of Risk Capital for Technological Innovation and Invention in Canada," on page 47, on the venture capital industry it states: "Of 79 firms surveyed, 77 of which were contacted, all of whom either are or were active in making venture capital investments over the past three years, only 46 were found to be 'active' or 'semi-active' in the field in Canada today. This includes several recently founded companies.

"The venture capital industry in Canada is far more conservative than generally thought by those outside the financial community, allocating some 95 per cent of its funds and effort to developing existing business rather than funding start-ups. It is estimated that 33 (77 per cent) of the 46 firms reporting fall into the 'conservative or very conservative' category, with 72 per cent of the reported funds available for investment in their hands. Of the balance, only some two per cent of the total available funds reported is handled by the three firms (six per cent) classified as 'aggressive.'

"The majority of existing venture capital firms are operating with a small current capital availability. Of the 46 firms deemed active in the field, 30 (65.2 per cent) report \$1 million or less currently available for investment.

"Venture capital firms appear to have a life cycle, probably from five to seven years, unless heavily funded initially, or are in receipt of a regular injection of new capital. Therefore, it is essential to encourage the formation of new venture capital companies or cause funds to be injected into existing venture companies, if the industry is to remain an important supplier of high risk capital. (Fifty-nine per cent of the firms surveyed in a 1971 study are now inactive in the venture capital field.)"

After reading those two reports I wonder why the minister is bringing forth this particular bill, or why even the Treasurer is introducing the VIC program in Ontario. It's not going to produce a job creation program. It's not going to produce an upswing in the economy in Ontario. So one would have to

question the reason for bringing forth such legislation. It may improve some areas of the economy, but I don't think it's going to do the job the people of Ontario are looking forward to.

We've seen where we've allowed industry certain tax concessions. We see it in the resource allowance. We see it in the depletion allowance sector. We see it in the capital cost allowance. We primed the private sector but for some unknown reason the economy isn't moving upward.

We've seen the Treasurer bring in tax credits for production machinery in the province of Ontario. We haven't seen any jobs that were supposed to be created by this particular program. There's been no proper monitoring of such a program as it relates to job opportunities. We know that it's going to cost the Treasurer some \$160 million in lost revenue. I don't know what this particular section of the bill will cost in the loss of revenue to the province of Ontario. There's been no indication what revenue is expected by this deferment of taxes through such a program.

I hope the minister is right that it is going to bring forward an upswing in the economy, that new businesses will be started. But based upon the two articles I read to the minister, it doesn't look hopeful we're going to be moving in that direction.

[8:30]

I think the minister's going to have to look to other options to stimulate the Ontario economy. There are other areas to which the minister can give certain tax concessions. One would give power to the consumer to go out and purchase new goods, and that is a cut in the personal income tax. Some would argue it may add to inflation again. I don't think the cut would be so great it would cause that much alarm that we're going to have high inflationary cost again.

We can have a reduction in the retail sales tax. That would put some life into the economy. This was proven in the year 1975 when it was applied to the automobile industry. There was a certain loss to the Minister of Revenue but I think in the long run it kept the economy going. It kept job opportunities available for persons in the province of Ontario. I think the main concern today is about jobs. What about the unemployment situation here? What can we do to create employment in the province of Ontario?

If I'm not mistaken, I think the Treasurer suggested there would be certain tax cuts and he would cut the personal income tax providing it was subsidized by the federal

government. That responsibility lies with the Treasurer and with this minister.

I think there are other areas to which the government should be looking. I'm sure there are funds available through the province of Ontario.

The particular article I was looking for suggested the government provide measures for the small business sector of our economy. I'm talking about the working people of the province of Ontario. They should have some opportunity to invest some of their earnings in a business venture in the province of Ontario. The area I'm suggesting has proven successful in the United States. No doubt it could be successful here. This is again from a submission to the Royal Commission on Corporate Concentration.

The Association of Canadian Venture Capital Companies presented this brief on June 6, 1976. It said they should be encouraging a greater flow of capital to small and medium sized businesses which require changes in the present income tax structure. "Corporations should be permitted to deduct from taxable income a certain percentage of their annual gross payroll—it is suggested between 10 to 15 per cent—if such funds are given to an employees stock ownership trust, used for the purchase of that corporation's common stock. This would improve the liquidity in private company share transactions. An alternative way out for investments in small companies would enhance investment in such companies and the opportunity for entrepreneurs and key management to realize on their ownership interest."

I think they're suggesting through this particular comment there is an area in the province of Ontario which should be tapped.

I recall the discussions we had when I was a member of the select committee dealing with Ontario Hydro and its proposed rates in 1976, about the province, or the government, or Ontario Hydro going to the foreign market, into the United States, to borrow money. If you go to the United States and borrow a huge sum such as \$500 million or \$350 million as Ontario Hydro has done it costs Ontario taxpayers about 18 to 20 per cent interest on that borrowed money. That is money leaving this country. The interest is going over there and it's a healthy interest. I suppose that's what you can call class triple-A, isn't it? That's right. That's why we get such a good rating over there, because we're paying 18 per cent on our money. Of course, one of the reasons we're paying that is the devaluation of the Canadian dollar and the exchange in the American money.

But if you go back to the last war, millions

of dollars were raised through Canada bonds and the purchase of War Savings Certificates. You could buy them at \$5, \$10, \$50 or whatever off your payroll. A huge amount of money was raised at that time; it was simple to get money this way. In fact, in the last government bond issue some \$2.4 million was raised and it was raised at \$100 or \$50, in that area.

There is no reason why the government can't tap the private sector. I'm talking about the labour sector, the employees in industry. We know by looking at the statements of banks, trust companies and credit unions there is a wealth of money there.

By coincidence in Canada we perhaps pay more in taxes than any other country in the world. In the United States they're not taxed as heavily as we are here. Perhaps that's one of the reasons why the business sector can go out and move more openly, creating more productivity and more employment. In the States, you can purchase municipal bonds, utility bonds and there is a good break given to the average person who wants to invest in corporation bonds, the blue chip market. I'm speaking in particular of government bonds—you purchase these bonds and you're given tax-free interest.

I suggest to the government, this is the market into which we should be moving. Giving somebody tax-free interest on \$100 is not going to break this government considering what we're paying in the foreign market. That's what is hurting us more here than anything. It adds to the cost of inflation.

I suggest this is one way the government could raise money without it costing us too much. It also gives a break to the average employee in industry today, enabling him to say "I am a shareholder in the government in a sense; I am getting a break."

I can tell the minister this much, without that employee coming into the picture, this province is pretty near broke. It's almost bankrupt. It's bankrupt when it has to pay interest rates at that high a rate.

I'm not going to oppose the bill. I don't think our party is going to oppose the bill. But I don't think it goes far enough to create jobs. This is what is hurting our economy. The Premier (Mr. Davis) said that to the Prime Minister of Canada the other day on the question of unity. The matter is to get the economy rolling again. I'd have to agree with the Premier on that particular statement and this is the direction in which we should be moving, not giving these little piecemeal handouts to the large corporations which have not proven they are creating jobs according to the purpose of the legislation—any of the

legislation. There is no proper monitoring done by the government.

I notice this particular bill says it will be done jointly with the Minister of Consumer and Commercial Relations. Again, the minister may run into difficulty there if the government doesn't have the proper monitoring system.

I suggest to the minister this bill doesn't go far enough. It doesn't provide the goal of creating jobs and I suggest to the minister it's time she went back to the drawing board and brought something in here to provide that employment opportunity for Ontario citizens.

There are some particular areas I want to get into in detail in third reading, relating to the matter of exploration of gas and oil in Ontario. There's an area on which I want to question in some detail during third reading.

I see nothing wrong with the present bill as it relates to the matter of paralleling provincial legislation with the federal legislation, but again I would have to question the minister. I raised the matter during the minister's estimates that we have one collection agency for personal income tax purposes, with the federal government collecting it for the province of Ontario. If we are that close in paralleling corporation tax with the federal government and their tax schemes, then why not have one tax collector to do both jobs? I am sure we could have a saving here in manpower, in that we wouldn't have to have parties going through two different government agencies in connection with their corporation taxes.

There is another good point I like about the section that relates to the tax field, and that is if there is some dispute on assessment for corporation taxes, at least the door's open that the minister may make that correction at that level without going to the higher courts. Based on that, I will support the bill and our party will support the bill, but we say it doesn't go quite far enough.

Mr. Acting Speaker: The member for Brantford.

Mr. Makarchuk: This bill is another good example of social justice. It's social justice for the corporations, which is typical of the Tory philosophy or the intent of the whole Tory management of the province.

The big problems with all of the tax legislation that we get from this government is the fact that you still do not work to try and provide an equitable tax system for the people of this province. The net result of that is evident when you look at the distribution of income in our society. Once again

you find out that the 20 per cent of the people at the bottom, who used to get about four per cent of the national pie, are now getting slightly less; and the 20 per cent at the top, who used to get about 43 to 44 per cent, are getting a slight percentage point more. If you have a tax system in this province that was a fair tax system, that provided the regulations and legislation that would ensure that all people pay their fair share of taxation. Then you wouldn't have the kind of discrepancy and maldistribution of income you do have in society right now.

This bill has some commendable features in terms of eliminating a lot of paper work, making life easier for the accountants. Perhaps they will be able to devote more time into figuring out new ways of evading the payment of taxes; and it certainly will do that. But it really still doesn't plug the loopholes; and you still can take a trip to Hawaii on the taxpayers or charge it to your business; you can still have cars. All sorts of things, under the existing tax system, are available to people within the corporate sector which are not available to other people in the world. If you look at the people who perhaps sit in the galleries, they have to pay taxes. What we are saying is that the other people who are getting away with it should also be paying taxes. We are not saying they should be paying more, but we think they should be carrying their load.

In Canada there used to be a time, under federal legislation and provincial legislation, where people with incomes of over \$1 million were not paying one cent in income tax. Since the federal government has brought about some changes in the Act and tried to plug some of the loopholes, I think the figure now is \$600,000. There are people in this country who have incomes of that size and still get away without having to pay a cent of income tax. This bill does not try to remove those kind of unfair relationships that exist in our society.

There is a great deal of concern on the part of our party and ourselves about repatriating our economy, about having some control about what happens in our economy, and that's very important. You will find that just about any responsible group in Canada, the Economic Council of Canada, the Science Council, and everybody, will tell you that one of the reasons we can't manage this economy is because we don't control it, that all the decisions are made somewhere else. Proper tax legislation slowly but surely can move in the direction of ensuring that Canadians acquire control of their economy;

that we have a say in what happens in our economy. There are other methods; but by using tax legislation you could bring about that kind of a change. Again you do absolutely nothing on this, you allow the condition to persist. You allow the amount of foreign control of our economy to increase, you sit back and encourage it; you seem to think that this is the answer. You send your people to Hong Kong, you send them to Japan; next thing you know you will probably be sending Claude Bennett to Albania to try to get some support.

[8:45]

Mr. Foulds: Not a bad place to send Claude, as a matter of fact.

Mr. Roy: As long as he promises to stay.

Mr. Makarchuk: But instead of trying to arrange your economy through the use of tax legislation to ensure that we have control of it, you use the opposite method and you continue to try to get somebody in. They don't come into this country because they feel generous towards us or because they are feeling charitable towards this country, they come here because they know they can make a buck. They recognize the representatives who are sent out—as I said before, they can tell a mark from a distance. They know there is a province up for plunder in this country, and that is exactly what you are doing.

In the discussion of the revenue estimates with the minister, there was a great deal of argument between ourselves regarding the matter of leakage: whether the Ontario tax department adequately collected the tax that should have been payable to the people of Ontario; whether foreign or multi-national corporations were evading taxation by various means. The minister and her officials—who are sitting under the galleries over there—incidentally were really quite adamant and said, "Yes, we are collecting. We are certainly getting the money that is due the province," and so on.

I am sure the minister must have read the article in the *Globe and Mail*, which appeared about a week ago—and this was after the estimates, I may add. What is happening is that the Canadian and the United States tax authorities are starting to audit these firms. The reason they are doing that, if I may quote from this, is the fact that they feel they are getting away without having to pay taxes.

I'll quote some of the pertinent paragraphs from this article. It is a report by Mr. James Gourlay, who is the Director General of Revenue Canada tax audit division. The

writer said, "Mr. Gourlay said both countries are concerned about the tendency by multi-national companies to siphon off profits from North Americans to subsidiaries in countries where there is little or no corporate income tax, such as the Bahamas, New Hebrides, Liechtenstein, Panama and Hong Kong. He said that he has no estimate of how much income tax is lost to the Canadian government as a result of profits being funnelled to tax havens. The total loss for all individuals and corporations, not just resulting from tax haven use but from all types of tax evasion, is estimated at about six per cent of the total tax collected each year. This would amount to \$1.7 billion more tax being collected in Canada each year if there was no evasion."

I may interject here that if Ontario, in a rough sense, collected one third of the tax in Canada, that would mean a fairly sizable sum of money if they didn't permit this evasion to continue.

I'll continue reading from the article: "But Mr. Gourlay said that with his 25 years of experience in tax administration, my gut feeling is that it is higher than six per cent."

Another paragraph from the same article says: "Some use of tax havens by multi-national companies is legitimate under Canadian and US law. For instance, if a North American company importing a product from Asia has its stock in Hong Kong for repackaging, the profits from this can legitimately stay in the tax haven and not be taxed in Canada or the United States."

Your legislation has absolutely nothing in it to try to prevent those kinds of distortions in the tax system.

Continuing from the article: "A secondary thrust is to show that the transfer prices on purchases and sales between the multi-national affiliates and the tax haven subsidiaries are out of line with arm's-length market price, and therefore are contributing to the funneling of profits to tax havens."

"Companies also use other techniques to divert profits to tax haven subsidiaries, such as payment to them of unwarranted management, advertising, or insurance fees."

This again was brought out in the discussions we had on the minister's estimates. The minister finally agreed that yes, we did sue some people; yes, we did collect some money. But the minister refuses to acknowledge that there is leakage from our tax system, that we are not collecting the legitimate tax that belongs to the people of Ontario, and that she is not doing anything about it.

I'd like here to touch briefly on the depletion allowances mentioned in the bill.

It makes one wonder, being aware of what is going on in multi-national corporations and how they operate, whether your department really knows, when you grant allowances to Imperial Oil or any of the oil companies—and I presume you do that and it's in your legislation—whether you know what their expenses are in Saudi Arabia or some other foreign country.

I'm sure that somewhere along the line book expenses can be doctored. You have absolutely no way of really checking them to find out whether they're legitimate or not, but I'm sure they're used by the local auditors. You get the audited statement from the company, and you accept it as gospel truth. I'd like to see you sometime move in on these oil companies and find out just exactly how they apportion the profits and expenses, who pays what and how much, and whether they're legitimate or not. Because they certainly make profits here, and if they make profits in Ontario, they should be taxed on the basis of what they make in Ontario.

The idea of the venture investment corporation is another of those difficult Tory policies that is—well, sort of more for the greedy. When you give someone a 250 per cent tax exemption, again the people all over Ontario would be happy to get that kind of tax exemption or tax break. As was pointed out earlier, there is absolutely no indication that this is going to do anything for jobs in Ontario, that this is going to create new investment, that this is going to start new businesses or anything of that nature.

Basically, the businessman today, if he has something good, if he feels he can make a profit, will go ahead and do it. He's not going to wait because he's going to get a fantastic tax write-off. The assumption is that I'm going to take a bigger risk because I will be able to get a bigger tax break. I don't think there's a businessman in Ontario prepared to take any kind of risk—no matter what the tax breaks are—if he has not got assurance he's going to either get his money back or make a profit.

All you're doing here is giving to our corporate elite. They call them the paper-pushers, the paper-hangers, the people who move cheques around and nothing else. They don't start industry, they don't create jobs; they're involved in various take-overs. All you're doing is giving them some extra tax breaks, so they'll have more money to salt away and can push more papers.

If your government was serious about creating jobs, I suggest you give John Rhodes another \$20 million or \$30 million for the home repair program. As well as

taking care of a lot of decrepit housing, that will do a lot more for creating jobs in Ontario, than any of your venture capital nonsense.

Build housing at cost, ensure that land for housing goes out at cost, service land, cut out the speculative nonsense and you'll do a lot more for jobs in this province than you would anywhere else. You don't have to sit back and wait for someone to go out and look for new resources or prospect in Ontario. If you feel that they're not doing it because of certain tax restrictions—which do not exist in Ontario, incidentally—if they argue that way perhaps you should start looking at joint venture projects in prospecting, in industry, in refineries, in smelting. We could start getting those secondary jobs in the fabricating plants, start getting those secondary jobs in Canada, in Ontario, instead of shipping them out as we are doing right now.

Again, your legislation does absolutely nothing for this. There were 1,000 people in front of this building at noon today. They had a very clear message for this government: we want jobs. We need jobs in this province, so we have to do things to create the jobs in this province.

It's not something in the hands of the gods or something supernatural. The problem, the economy, is in the hands of the people of the province, the governments of this province and this country. Both of them are giving us the same rhetoric, the same nonsense we heard in the thirties. Instead of dealing with them, they look for scapegoats.

Mr. Swart: But you can't interfere with the corporate sector.

Mr. Makarchuk: And the favourite scapegoats right now are the people in government. Of course, if we get rid of the people who depend on the Children's Aid Societies, get rid of the people in the hospitals, get rid of the people in the nursing homes and get rid of some of the people in all those other institutions, everything would be fine. Earlier it was the trade unions, they were the favourite scapegoats. Then you put in the nurses because they went on strike. Then you put in the teachers because they went on strike. Now you've got the public servants in there. That is the way you run your damn economy. You go around looking for scapegoats instead of dealing with the problems that affect our economy, that affect our jobs on a sustained and concerted basis, so you know what you are doing and where you are going, and how to try and get there.

You are not doing any of that. Your legislation here is an example of a lack of direction in terms of ensuring your economy operates in a way that provides jobs. The one item with which we are going to deal—and the minister can explain why there has been a departure from the federal legislation—is section 7, dealing with the fact Ontario allows the spending of money on television, advertising, et cetera, at the border points as an expense, whereas the federal government does not. I want to tell the minister right now unless she has a very good reason, we will be moving an amendment to eliminate section 7 so the same rules that apply to the federal corporation tax will also be applied in Ontario and firms will no longer be able to use the money spent for advertising on American TV as a legitimate expense in figuring out their corporation tax.

As my colleague has said, we will reluctantly support this bill. We see it as an improvement, as was mentioned earlier, in that it helps to clear up some of the paper work, perhaps making things a little more readable and understandable to the people of this country and of this province. But in terms of the general thrust of the whole corporate structure, the way you manage the economy, it's a very poor piece of legislation; it is typically Tory.

Mr. Roy: Mr. Speaker, I wasn't going to speak on this bill, but in listening to the comments of my colleague from Brantford to my left here, I feel when I hear some of those comments about what his solution is to the problem of unemployment, the problem of taxation, the problem of the corporation, it's not quite that simple. It seems certain things have to be said so it is quite clear where different parties stand in relation to certain legislation.

I must admit I was somewhat surprised, after listening to his comments, that he ended it all by saying he was going to vote in favour of the bill.

Mr. Foulds: He persuaded you to vote against it, did he?

Mr. Roy: He didn't persuade me to vote against it, but he has persuaded me, when I hear the type of rhetoric and philosophy espoused by the people on my left about this type of legislation, there is some sort of an onus on us to take an opposite position. I think it follows, in fact, naturally.

I say, Mr. Speaker, without any hesitation or apology whatsoever, that I think a lot of what has been said here about the question of taxation, profits, corporations and jobs is basically hog-wash; and it is. One

of the things my friend is talking about is the question of taxes, profits and corporations. One of the problems is jobs aren't created out of thin air. We, as a party, would like to go on record as saying the role of government is not to create jobs. It is the role of private enterprise to create jobs and we are not afraid to say that.

Mr. Makarchuk: What if they have a conflict of interest?

Interjections.

Mr. Roy: You see, Mr. Speaker, the interesting part is we let them speak and don't interrupt; we listen to their hog-wash, which is basically what it is, espousing their philosophy—which may sell well to an NDP convention but the people on the street who know better know it for what it is. But the minute we get up and make certain comments in opposition to this, or espouse a different type of philosophy, then they get all excited.

Mr. Samis: Tories will do that to you as well.

Mr. Swart: Your position is similar to that of the Tories.

Mr. Lupusella: But free enterprise is obsolete, now what are you going to do?

Mr. Roy: Then they start interrupting. I don't mind that, it makes the debate more enjoyable. If nothing else it keeps certain people around here awake.

[9:00]

Mr. Foulds: It is the only thing that gives substance to your contribution sometimes.

Mr. Swart: Why don't you get off the floor?

Mr. Roy: I say again, without any apology, the role of government is not to create jobs, this is the role of private enterprise, whether it's corporations or people. Again, we in this party don't see anything insidious about the fact that there are corporations. We don't see anything insidious about people making certain profits in this province, we're not particularly concerned about that; that's what this economy is about, that's how this country was made what it is.

Mr. Foulds: Yes, and what a mess it's in.

Mr. Roy: We say that it's important that we in this province create an atmosphere where corporations can function, that we establish a tax system that is not so negative that we drive corporations out; the minute that we start doing that is when we start losing jobs. We like to create an atmosphere on the part of government which creates a competitive atmosphere so that corporations

stay here and create jobs. The approach taken by the members to our left is simply this: First of all, the basis of taxes—

Mr. Foulds: Why don't you give us your position, we'll enunciate ours.

Mr. Roy: See how they get excited.

Mr. Acting Speaker: May I ask the member for Port Arthur to wait his turn and then he will have a chance to speak, if he wishes.

Mr. Roy: Mr. Speaker, it's interesting, and I appreciate your intervention, but it's so interesting when I look at my colleagues to my left, whom I've listened to very patiently, they get all excited at the truth.

Mr. Foulds: That's because you spend three hours a week in the Legislature.

Mr. Roy: It's basic economics. The point is simply that they start saying: "Oh, corporations again." I think they are back in 1972 and with David Lewis, when he was talking about corporate bums and all of that. I thought they had got over that. The member for Ottawa Centre (Mr. Cassidy) who talks about the economy, would, I think, frown on listening to some of the comments that we've heard here this evening about NDP philosophy. Basically what they talk about is that the corporations again are ripping off the economy on the question of taxes. That is not the case. In fact we're losing corporations because the tax atmosphere in this country and in this province is such that they're better off operating some place else. This is why we have corporations going some place else; and when that happens we lose jobs.

Mr. Lupusella: Take Inco.

Mr. Foulds: No, Inco's been overtaxed.

Mr. Roy: There's nothing insidious. They talk about Inco, and I would have thought again they would have learned something about Inco; learned that this province and this country do not operate in a vacuum. We are in a competitive position with other countries.

Mr. Makarchuk: It's just the Liberal Party that operates in a vacuum.

Mr. Roy: We're in a competitive position with other countries, with the whole world; yet they don't seem to understand that. If we lose our competitive position, be it by way of taxation, be it by way of wages, be it by some other way—

Mr. Makarchuk: That's right, they are going to take the nickel on their backs and walk out of the province.

Mr. Roy: —in fact we lose more jobs. They don't seem to understand that. They fail to see that if we can't sell a product, if cor-

porations are not competitive here, then we will lose jobs—

Mr. Lupusella: Give us a bit of justification.

Mr. Roy: —and the government will lose revenue. You see it's a self-destructive argument that they are talking.

Mr. Bolan: It's a self-destructive party.

Mr. Roy: It is that; and they are the self-destructive part.

Mr. Bolan: And they are trying to con the unions.

Mr. Roy: How are they all going to solve it? What should the government be doing, according to them? It seems that every time we get a revenue bill we keep hearing this philosophy. I feel compelled to stand up and again espouse why that type of philosophy is really a fairy-tale. It sells well, but I'll tell you it's selling less well in the NDP conventions, because the NDP leadership candidates aren't even talking that way any more. They are talking about a more creative climate, they are talking about restricting government spending; and this is something new.

But we do want to put on the record, Mr. Speaker, that we as a party feel it is important, be it corporations or individuals, that we foster an environment and an atmosphere where they can stay competitive with other corporations, be they in other provinces or in other parts of the world. When we can do that, then we keep jobs. When we can sell our products, that's when we create jobs. It's not the way they're talking about it, they've sort of got it ass-backwards, saying that government has the answers. That might sound unparliamentary, but that's exactly how their philosophy sounds.

I say again that it is not the role of government to create jobs; its role is to create the proper atmosphere so that private enterprise can in fact create jobs. That, at least, is the philosophy of this party over here.

I want to say something to the minister about this legislation. I want to be critical in the sense that I feel that the people who will and can take advantage of this type of legislation, unfortunately, are not going to be your small businessmen. I think this is still far too complex. Whether it's a federal law or this law, your small investor, your small businessman, who wants to be playing around with \$2,000, \$3,000, \$5,000, which is exceedingly important to him, will not be able to take advantage of this because it's still too complex; to take advantage of it he needs the type of advice and the type of expertise which he cannot afford.

I say to the minister that it's not altogether within her realm, she's trying to sort of dovetail her legislation with the federal legislation, which in my opinion is still far too complex.

Mr. Foulds: Now we get the reason for his position.

Mr. Roy: It's unfortunate, and I'd like to put that on the record, that the federal government and the province—

Mr. Foulds: The member for Ottawa East lies supine before the federal Liberals.

Mr. Roy: —have not seen fit, over these years, to try to simplify the tax process. Really, the only people who can afford to take advantage of all the schemes in this type of legislation or the federal Act—

Mr. Makarchuk: "Schemes" is a good word.

Mr. Roy: Well "scheme" is not an improper word, it's a definition under the Income Tax Act; there's nothing wrong with that.

Mr. Samis: It certainly has a connotation to it, doesn't it?

Mr. Roy: I see nothing insidious about that word.

Mr. Makarchuk: Scheming how to avoid paying taxes.

Mr. Foulds: It's a Liberal word.

Mr. Roy: What I'm saying to the minister is that the system has become so complex that the only people who can take full advantage of it are those corporations that are large enough to be able to have a whole staff, to be able to pay accounting firms and that sort of thing. That's unfortunate, because some of the aspects and some of the advantages very often offered, could be taken up by small corporations, but they cannot because they cannot afford the expertise and are not even aware of it.

I don't mind telling you, and I don't mind admitting, that most people don't understand this; in fact very few of us, if it wasn't for the philosophy that we're discussing, that the NDP raised earlier and that I'm talking about now, frankly when it comes to the technicalities of this type of legislation there are very few people here who have sufficient expertise. In fact I suspect, working with accountants on and off who are working on books, I get the feeling that sometimes they don't understand, as well as they should, the mixture of the Income Tax Act and the mixture of this type of legislation.

I appreciate that it's difficult—and I can recall, Mr. Speaker, some time ago—who was it who looked at the income tax and talked about a buck is a buck, I don't recall who—

Mr. Handleman: Carter.

Mr. Samis: The Carter commission.

Mr. Roy: Yes, the Carter commission—

Mr. Samis: A great commission of the Liberal government too.

Mr. Roy: —which suggested a simpler way of looking at the question of taxation of profits—

Mr. Samis: That's right, which opposed them.

Mr. Roy: —and some of the advantages and disadvantages under the Income Tax Act. I thought it exceedingly unfortunate that the federal government which attempted just three, four or five years ago to make some changes to the Income Tax Act—

Mr. Samis: Edgar Benson was minister.

Mr. Roy: —in fact seemed to have brought in something that was far more complex than we had to start with.

When I look at that Income Tax Act, and I see section 21, subsection 6(a)(i), subsection 3(i)—you have to be a mathematician just to follow that you're in the same section, never mind understanding what they're trying to say.

Mr. G. Taylor: It's rough if you're a lawyer.

Mr. Roy: I appreciate this is beyond the minister's control, but the fact is there has to be an effort on the part of government, if it wants to give advantages to all citizens or to all corporations, as we're trying to do under this legislation, that it make this information available and produce it in such a fashion that it's accessible to everyone. I'm convinced that most of the small businesses in this province, which comprise, after all, a major part of what keeps the economy of this province going, will not be able to take advantage of this type of legislation; and that I find sad.

I wouldn't even have to limit it to this legislation. The way we're cranking out legislation in the House they're not aware of most of it. But surely when it gets to the question of taxation, we should give the same advantages, or we should at least take steps to have legislation brought forward that is easily accessible and understandable and not only to the advantage of the large corporations.

Again, I don't see anything insidious about large corporations that are creating jobs, paying taxes and that sort of thing, but the fact is they're given a break because they can afford to have all the experts and the small corporations can't.

It reminds me of business corporations in the development field. Only the large ones now can afford to stay in that business because of all the red tape they have to go

through; they have to get all the proper experts to get through the proper channels. No small corporation can afford that kind of help or has staying power to take advantage of what the system offers them.

I think we should look at something like this. I appreciate it's not easy, especially in a federal system when you must have provincial legislation which dovetails with and conforms to the major federal statute. But it certainly wouldn't hurt my feelings if the minister were to convey to the federal minister the feeling of certain members in this House that the federal statute is still far too complex. I'm convinced that, somewhere along the line, some government or individual is going to grasp that Income Tax Act and try to reduce it in such a form that even people as limited in intelligence as I am will understand it. Thank you, Mr. Speaker.

Mr. Foulds: Mr. Speaker, I've been stimulated to enter this debate because I believe that taxation can be used as a tool for two basic purposes. It seems to me that whether it's income tax or corporation tax, which is what we're dealing with here, the primary function of the tax should be to gain revenue for the state—the province, in this case—to administer necessary and useful social programs or, if you like, hardware programs such as the building of highways and other kinds of services that the citizens of the province need, whether they are individual citizens or corporate citizens. I think that the member for Ottawa East missed a very important point in the argument put forward by my colleagues previously in this debate.

Mr. Lupusella: All the points; not just one.

Mr. Foulds: The second useful function of tax is that, by its modification, it can be used to stimulate or slow down the economy, depending on what one wishes to do with it at this cycle in our current state.

Mr. Roy: That's where you're wrong. That's the old system. It doesn't work any more. The socialist government in Britain said it doesn't work.

Mr. Foulds: By the way, Mr. Speaker, I do hope that you'll allow the member for Ottawa to interject as frequently as he sees fit. Obviously his original presentation was lacking in substance and did not suffice—

Mr. Roy: It certainly got you stimulated.

Mr. Foulds: He obviously feels it's necessary to put a number of footnotes on the record as I proceed, so please allow him to do so.

Mr. Roy: It stimulated the member enough to get him off his rear and on his feet.

Mr. Foulds: He reminds me a bit of the character in Hamlet known as Osric. Being knowledgeable in these things, Mr. Speaker, you will recognize what a shallow fop Osric was and how he was sent packing by many people in that play.

I would like to point out, in terms of the principle of taxation, the number of tax concessions that have been made to the corporate sector in our history. In a philosophical vein, I'd like to point out and try to correct some of the errors of history that the previous speaker tried to put into the record of his Legislature. It was not private enterprise on its own hook that built this country.

Mr. Bradley: Don't you like private enterprise?

Mr. Foulds: It was not private enterprise on its own hook that built the railway system across this country, there was a good deal of government involvement.

Mr. Swart: The government bailed them out when they went broke.

Mr. Foulds: It was not private enterprise that built the airline system in this country.

Mr. Roy: We should have had it, though.

[9:15]

Mr. Foulds: For 30 years, that was a state-owned operation because it was unprofitable. Private enterprise wouldn't invest in it but once it became a profitable operation, the weak-kneed Liberal government at the federal level turned it over to the private sector. It gutted the—

Mr. Roy: Here we go.

Mr. Foulds: —system that had been established, so that the profitable runs were given to the private sector. But the private sector—

Mr. Swart: Like the Gray Coach.

Mr. Foulds: —did not have the guts to take the chance in developing an airline system across this country. Today, in the northern part of this province, the private sector does not have the guts, the initiative or the capital to invest in a provincial air system to service the needs of the people of the north. It is the state, the province, that must intervene through norOntair to provide that service. Hopefully it's safe, but in view of the revelations of the last few days I am not sure of that.

It is not private enterprise which built the highway and road systems of this province. It is not private enterprise then, as

the member for Ottawa East says, which has single-handedly built this country.

Mr. Roy: I never said single-handedly.

Mr. Foulds: In fact, it is the history of this country and the history of this province that it has been the state, the government, that had to do a number of these functions. For that reason, we in this party say unashamedly—

Mr. Bradley: Nationalize.

Mr. Foulds: —that because a number of those things have had to be done by the state and the corporations have benefited from that action, then they should be made to pay their fair share, that's all.

Mr. Makarchuk: Let the record show that the member for Ottawa East does not know his history..

Mr. Foulds: I would suggest, for example, that in one area the Conservative government of this province has demonstrated its lack of faith in the private enterprise system and that it has been supported by the Liberal Party of Ontario when it briefly formed a government. That is that the Ontario Conservative government nationalized the private power companies of this province to form Ontario Hydro.

Mr. Roy: He is out of order

Mr. Foulds: The Liberal government did not reprivatize that in the brief period that they were in power. So there is a good and honourable history of the public sector providing and creating jobs. I would simply like to point out that—

Mr. Conway: That is selective history. I hope you don't teach that in Port Arthur.

Mr. Foulds: —in the western European countries that today are experiencing the lowest—

An hon. member: You had better learn about it.

Mr. Conway: Public sector dictators.

Mr. Foulds: Is this your maiden speech?

Mr. Roy: He is talking about the public sector and private enterprise. It is taxation we are talking about.

Mr. Deputy Speaker: Order. The member for Port Arthur has the floor.

Mr. Foulds: I would like to point out that in those western European countries that are experiencing the lowest rates of unemployment, if our major concern—and the major concern of a number of speakers this evening has been the creation of jobs through a balance in the taxation formula as expressed in this bill—

Mr. Roy: No unemployment in China, no problem.

Mr. Foulds: Those western European countries that have the lowest ratio of unemployment have admittedly mixed economies where private and public enterprise often work together.

Mr. Roy: We are not against that.

Mr. Foulds: West Germany is a good example. Norway, Sweden, Austria are other examples.

Mr. Roy: We are not against that.

Mr. Makachuk: You are changing your tune.

Mr. Roy: No, no. No wonder you will never form the government. You are so narrow minded.

Mr. Foulds: I would like to point out that none of those governments wait for private enterprise, as the member for Ottawa East would like to do, wait for the private sector to create jobs. That is all we in this party are saying at this stage with relation to the principle of this bill.

Mr. Roy: We are saying there is too much government.

Interjections.

Mr. Deputy Speaker: Order, order.

Mr. Foulds: So I would like to support the taxation principles expressed by my colleagues in the New Democratic Party previously on this bill; the shallow, inaccurate, un-researched, irrational statements of the member for Ottawa East should not go unchallenged.

Mr. Conway: I thought the Laxer wafflers were dead!

Mr. Makarchuk: They are all in the Tory party.

Mr. Deputy Speaker: Is there any other member who wishes to participate in this debate? If not, the hon. minister.

Hon. Mrs. Scrivener: I must express my gratitude to those members who did actually discuss the principle of the bill, which deals with simplification and administrative change, and points out policy differences between the government of Ontario and the government of Canada. I think the member for Beaches-Woodbine (Ms. Bryden) did this quite admirably. She caught it up very quickly and in her first two paragraphs highlighted those principles immediately.

She talked about the design of tax systems that favour corporations. She referred to fast write-offs, concessions to the resource industries, et cetera, which have not helped the economy. Similarly, her colleague the mem-

ber for Brantford had some harsh words to say, to wit: "Corporations should be carrying their fair share of the load."

Mr. Foulds: That is not a harsh statement.

Hon. Mrs. Scrivener: He expressed concern about the repatriation of the economy. He said people came to Canada "to make a buck."

On the other hand, the member for Ottawa East was then stimulated to get up and score some of the remarks made about the bill in terms of its ability or nonability to create jobs, to engage in taxation, and the whole matter of profits in corporations. He said, "We are losing corporations because of the tax atmosphere." Right on.

Mr. Roy: See that?

Mr. Foulds: Name one, give us an example.

Hon. Mrs. Scrivener: "If we lose companies," he said, "we lose revenue and we lose jobs." Mr. Speaker, I have to say I too would like to comment on this particular aspect of the debate this evening, because I think perhaps we have to face some harsh truths. Some members in the opposition benches don't seem to be able to face up to those realities.

Mr. Bradley: Which ones?

Hon. Mrs. Scrivener: First and foremost, the whole question of multi-nationals was laid on the line. The taxation of multi-national corporations in Canada is one of the toughest in the world, with only France enforcing a system which would be described as more severe.

Mr. Samis: Says who?

Mr. Foulds: Would you like to support that or would you like to duck that?

Hon. Mrs. Scrivener: I would point out that taxes in the United States—this is a comparison—take a smaller share of the gross national product than in Canada; 28 per cent as compared to 37 per cent in Canada.

Mr. Samis: What kind of taxes?

Hon. Mrs. Scrivener: The total tax impact is greater in Ontario than in the United States when considering all levels of taxation.

Although the United States has a higher rate of federal income tax, 48 per cent compared to Canada's 36 per cent, its narrower taxable income base effectively reduces its federal income tax to a level approximately the same as Canada's. However, the greater impact of other taxes on the Canadian taxpayer, nine per cent of the gross national product, is substantial.

Mr. Foulds: What are you reading from?

Hon. Mrs. Scrivener: For example, 33 per

cent of Canada's tax revenue is derived from sales tax, whereas the comparable figure in the United States is only 19 per cent. This is due in the main to the heavy burden of federal sales tax.

Mr. Conway: Give the socialists hell.

Hon. Mrs. Scrivener: At the federal level, great care is taken to see that such devices as inter-company pricing, royalties, management fees and so forth, dividend stripping, are thoroughly controlled. In addition, payments made off-shore have a withholding tax of 25 per cent imposed upon them in jurisdictions with whom no tax treaty exists.

The Ontario government follows exactly the same policy. Because of constitutional limitations we do not always follow the same procedures, but the result is the same. Our rules concerning inter-company pricing and dividend stripping are the same as those of the federal government. In addition, royalties, management fees and other like payments are effectively disallowed as deductions, to the same extent and effect as the federal withholding tax.

The general position in Canada—

Mr. Samis: Who wrote that?

Hon. Mrs. Scrivener: —is so severe that in international business circles, Canada—and of course that includes Ontario—is regarded as a hostile tax environment.

Mr. Foulds: By whom? In comparison with whom?

Hon. Mrs. Scrivener: Competition from states bordering Ontario has reached serious proportions.

Mr. Samis: Read Darcy's speeches.

Hon. Mrs. Scrivener: Corporation taxes are pretty much the same in all cases, but for all other taxes a company is generally better off in the jurisdictions to the south of us than they are here. Mr. Speaker, I think this is a most regrettable state of affairs. Given the need for jobs, I believe the entire area of taxation as it relates to corporations should be re-examined with a view to restoring our competitive position.

Mr. Foulds: Why didn't the minister do that with the bill? By the way, I like the spontaneous nature of the typing.

Hon. Mrs. Scrivener: The question the member has just raised is, why didn't we do that in this bill. It just indicates, Mr. Speaker, how grossly he misunderstands the bill.

Mr. Foulds: That's what we are challenging, the shortness and narrowness of the minister's vision.

Hon. Mrs. Scrivener: Members have been debating fiscal policy within this bill as if the bill was the cure-all, the miracle paper, the bible which will embody all the prayer and hope we want in our taxation and in our economy. Of course it cannot do any of these things. This bill is simply a simplification, a rewrite, of a much more complex statute. So if members are of the opinion that this bill can be revised and restated to do things other than what our original policy was. I say to them the bill is not designed for that at all.

Mr. Foulds: Tell me what it does do.

Hon. Mrs. Scrivener: The member for Beaches-Woodbine (Ms. Bryden) referred to how welcome the bill is with its simplification, its time-saving devices, its labour saving, its paper saving. She said it would reduce our bargaining power, but she also thought it might increase our bargaining power. One of the questions she asked was, "Could we now dissolve the corporation tax administration within the Ministry of Revenue?"

I have to say to her we require this administration for its flexibility and ability to use the Corporations Tax Act for Ontario purposes, exactly as she saw it. We aren't about to dissolve the administration. We're probably going to strengthen it now and put the personnel to more effective use in terms of assisting taxpayers. I say this because the point was raised that the bills, the Corporations Tax Act and the Income Tax Act of Canada, are so complex that the average person or the average corporation cannot use them very handily. As I said before the supper recess this evening, the Ministry of Revenue, through its Corporations Tax Branch, is the tax consultant to about 75 per cent of corporations in Ontario. That is not a bold statement, that is just a statement of fact.

We help our constituents, we help our taxpayers, and that is just part of the service we provide. Simplification of this bill is another part of the service we are providing.

[9:30]

The member for Brantford (Mr. Makarchuk) raised a query concerning section 1 of the bill. He wanted to know why Ontario intends to extend television and radio advertising rights in terms of offshore activity and I think his comment was a kind of tokenism. The bill is pretty good. He knows it's pretty good. I think he is trying to find a flaw.

Mr. Roy: That's not a bad point.

Mr. Foulds: And he found it.

Hon. Mrs. Scrivener: I hope he will agree

with me this is not a flaw. When he understands the reason for it, I think he will appreciate why the tax policy difference has been highlighted so he could find it and understand it. If the bill hadn't been revised he might not have been aware of it.

Mr. Foulds: Give us the reason.

Mr. Roy: Tell us why Ontario would allow something the feds won't.

Hon. Mrs. Scrivener: In the first instance, Ontario to date parallels and will now tie to the federal legislation in disallowing foreign advertising in newspapers and magazines. Ontario does not parallel the federal government's recent amendment to extend the disallowance to radio and television advertising and for this reason. This is a tax policy matter which Ontario did not follow because of retaliatory measures likely to be taken by foreign countries like the USA to counteract these measures which in part led to the disallowance of convention expenses incurred in Canada by US corporations in computing their taxes and which could cause an extensive loss in tourist business to Canada and particularly to Ontario.

Mr. Foulds: What has that got to do with advertising?

Hon. Mrs. Scrivener: I think the members will appreciate and agree with me that is a very valid reason for maintaining the Act in its present form.

Mr. Foulds: That's a red herring.

Hon. Mrs. Scrivener: Not at all. It was the member's colleague who raised it.

Mr. Foulds: He raised a good point. The minister's answer was a red herring. What about other places like Iceland, Greenland and so on?

Hon. Mrs. Scrivener: It applies.

Mr. Samis: It is irrational.

Hon. Mrs. Scrivener: Several members have discussed venture investment corporation provisions within this Act. They debated the pros and cons of the principle of VICs but I would remind them that all of this debate was played out during the debate on the VIC Registration Act earlier this year, that is in July. Provisions in this Act merely set out the methods and provisions governing their taxation. The bill, in other words, provides the tax provisions necessary to make the VIC concept operate. Under the provisions of the bill a corporation investing in a registered venture investment corporation will be permitted to deduct 250 per cent of its investment from its taxable income with provision to carry any unused deduction

forward against future income. Thank you, Mr. Speaker.

Motion agreed to.

Ordered for committee of the whole.

ASSESSMENT AMENDMENT ACT

House in committee on Bill 91, An Act to amend the Assessment Act.

Sections 1 and 2 agreed to.

On section 3:

Mr. Deputy Chairman: Mr. Swart moves that section 96(2) of the Act, as set out in section 3 of the bill, be amended by deleting 1979 at the end of the second line and substituting therefor 1978, so the said subsection (2) will read: "96(2). Section 71 continues to be not in force and remains inoperative until January 1, 1978."

Before you speak to the amendment, I shall just ask the hon. minister to what section she has an amendment.

Hon. Mrs. Scrivener: Mine is in section 2; and it was an omission. I just can't find the piece of paper; it's in my book but I can't find it.

Mr. Foulds: I think we will give unanimous consent to revert to section 2.

Mr. Deputy Chairman: We will revert to section 2 after we deal with section 3, if that's in order.

Hon. Mrs. Scrivener: Thank you.

Mr. Swart: Mr. Chairman, I covered this amendment and the reason for it quite fully on the second reading of this bill. The intent is to make section 71 of the Assessment Act operative. That, of course, deals with the matter of equalization of the assessments within municipalities for the purposes of the provision of assistance to the municipalities from the provincial government, and for the purposes of sharing the cost between municipalities where the authority overlaps more than one municipality.

Because there seems to be some confusion about this matter I perhaps should read section 71 of the Assessment Act as it appears now, as amended and up to date January, 1977. Before I do, I want to make it perfectly clear to the members on my right that this in no way introduces by a back door, front door, side door, or even for the purpose of equalization, market value assessment. It simply lifts the freeze which has been applied to the equalization factors now for eight years. It lifts that freeze and will require the minister to undertake an equalization.

Anyone who is at all familiar, Mr. Chair-

man, as you are, with municipal operation, will know that during the last years, because of the growth in municipalities, or the lack of growth in municipalities, there has been a tremendous—

Mr. Conway: I remember it well.

Mr. Swart: I'm glad to see the member for Renfrew North has finally moved over and we welcome him to our caucus.

Mr. Ashe: He is really heading downhill.

Mr. Swart: The assessment base in municipalities has changed rather dramatically, and this results in a change in the factors. I think it becomes obvious, it's obvious to municipal people, that apartment houses for instance have been assessed at perhaps 25 per cent value, single-family residences have been assessed about 12 per cent of value. Since 1969, since the equalization factor was frozen, there have been a lot of apartments built in some municipalities and they are using the same old factor; as a result those municipalities are in fact paying more than their share of the costs of operation for authorities which cover several municipalities, and are not receiving the grants to which they are entitled.

I would like to read that section of the Act, and again I point out that it has nothing to do with market value assessment. Section 71 reads: "The ministry shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment role of each municipality . . ." Perhaps I should stop there to point out that the last revised assessment roll according to other sectors of Bill 91 will be not the market value assessment but the assessment which has been in force for many years. Section 71(1) reads: "The ministry shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality and locality and determine as nearly as may be what the total of the amounts of the assessment of such rateable property should be so that cost may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities."

How could anybody really be against that section of the Act being operative? Yet, in Bill 91 it is proposed that that section be frozen for another year.

Section 71(2) reads: "The amount so determined under subsection 1 is the equalized assessment of each municipality and locality and the equalization factor of a municipality or locality is a percentage that the total of the amounts of the assessment of rateable property of a municipality or locality is that

the equalized assessment of the municipality or locality, but neither the equalized assessment nor equalization factor of a municipality or locality should be taken into account in the assessment of any land except as provided in this or any other Act."

I'm not going to read the rest of that subsection. It is 71(1) that is the important section, which would provide for the equalizations. Everyone in this House knows, and knows well, there are tremendous injustices now because of the freeze of the equalization factors. We've had the members from Windsor and Sarnia point out that there are something like 28 municipalities which they have checked and found that they are losing substantial amount in grants, of which Windsor is the greatest, I guess, \$8.5 million. Sarnia, I think, is \$1.2 million. St. Catharines is \$1.2 million. They've been going cap in hand to the Treasurer of this province saying to him, "Please give us a special grant to make this up." I say to you that if this amendment, which we propose, passes, you don't have to go cap in hand any more.

Mr. Haggerty: Oh, come on. If you open the door, don't be surprised if they flock to the Treasurer.

Mr. Swart: No, the Treasurer will be required to do an equalization and as a result those municipalities will get the money of which they are being deprived now because of an inaccurate equalization factor, a factor that's very inaccurate to today's conditions.

I would point out that section 71 is very broad. It would permit the minister to do a detailed equalization or a general broad equalization. You do not have to use the market value assessment. The minister could enact regulations which would permit almost any type of an equalization, but the municipality would have the right to have that equalization. I say that's a right that they should have, after being frozen for eight years. Municipalities like Windsor are losing \$8.5 million because it is frozen.

We in this party feel strongly that the minister should no longer continue that freeze. We are asking the party on our right to support us so that many of the municipalities which they represent will be able to get the money from the provincial government to which they are entitled. They will then be able to pay their fair share of the costs of education and regional government, and other costs, which are spread over many municipalities. We urge the support of the House in this amendment.

[9:45]

Mr. Haggerty: I would like to speak to the amendment put forward by the member for Welland-Thorold. Perhaps he does raise a valid point when he suggests there is a difficulty in one or two municipalities throughout the province of Ontario. One is Windsor. If we were to accept this amendment as put forward by the member tonight it would cause complete chaos in assessments in the other 800-odd municipalities in the province of Ontario.

If he continues to read section 71 of the Act as it relates to equalized assessment factors—I'm well aware that in previous years it has worked successfully in municipalities, particularly in the former county of Welland. The member and I were both members of the assessment committee. We used to use the equalization factor, perhaps with an area municipality that wasn't quite up to date on assessment practices, perhaps their assessor at that time was a young assessor who wasn't too familiar with the formula and manual used in the county of Welland. But, it did provide measures to assist in a county form of reassessment through equalization.

If one was to accept this, as I said before, it would assist one or two municipalities but perhaps cause chaos in all those other municipalities. Here is the section in the Act, section 71(5) and (6), that says you have to have a hearing: "Upon receipt of a notice of application for review under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for a hearing. The applicant shall send notices thereof by registered mail to the ministry and to the clerk of the municipality, the secretary of each school board of the locality concerned at least 14 days before a hearing."

Mr. Swart: Only if they apply.

Mr. Haggerty: "If the equalized assessment and equalization factor under review are not just and equitable, the Ontario Municipal Board upon the hearing of the application shall determine a just and equitable equalized assessment and equalization factor."

I can just see every municipality, every clerk, every treasurer will be making application to the Ontario Municipal Board for a hearing on a matter of equalized assessment. I feel you're only going to open a can of worms, and perhaps cause a serious difficulty to the municipality and to almost every taxpayer in a community.

First of all, you're going to have a person in a community say: "I feel I've always paid

higher taxes than my neighbour and I want to appeal my assessment on that basis." I can just see this assessment appeal tribunal flooded with assessment appeals under this particular amendment. I would sooner wait until after all the hearings being held now, after review of the Blair commission recommendations, and after review of tax reform in the province of Ontario. Based upon that, I could not support the amendment to this bill at this time.

I think there are ways the Treasurer can assist those municipalities that may be penalized through their present assessment practices. As it relates to Windsor, there is no reason they can't come through with an additional grant to assist that municipality without having them go through hardship over the next year or so until we have all the known facts about tax reform and what the market value assessment will mean to local municipalities. I think, under the present system, hopefully, this will work.

I built a new home in 1970 and it's been assessed today and is comparable to my neighbour's assessment. In the long run I'm paying taxes comparable to those of adjoining property owners; in some cases I feel I'm paying more. Under the present system the assessors are trying to make it as equitable as possible.

Based upon that I feel we cannot support the amendment as put forward by the member for Welland-Thorold. It will just add further difficulties in the area of assessment in local municipalities. If we're looking for market value assessment, there is no need for an equalization factor or equalized assessment. That removes it, and that is one of the reasons why we had the equalization factor because we didn't have market value assessment.

My comments are short. I feel this will not improve the situation at all. It will only compound the existing problems. As soon as the government gets on with the matter of bringing forth market value assessment, we can iron out the difficulties and problems we will be facing—the shift in assessment from commercial to residential—I am sure that eventually we will get around to it and assist the government in working out some arrangement that will lessen the inequities through market value assessment.

Mr. Bounsall: I would certainly hope the last speaker for the Liberal Party is speaking only for himself and not for the party as a whole.

Mr. Roy: Oh, don't get excited now. He's the critic and speaks with authority.

Mr. Bounsall: I certainly hope he doesn't in this case. I am sure the members of your caucus from St. Catharines, Sarnia and Windsor sure hope he's not speaking for them or that party.

Mr. Roy: Are you speaking for yourself?

Mr. Bounsall: I certainly am not. I am speaking on behalf of the party and, in particular at this point, in the interests of Windsor and the 20 other communities, nine of which are completely and easily identified, that are being discriminated against under section 71 of the Act which has not been operative since 1970.

The formula to determine the provincial resource development grant uses a factor that converts actual assessment to an equalized assessment. This factor was determined by the province and then frozen in 1970.

In May 1976 the city of Windsor urged the province to calculate the resource equalization grant using the already quite clearly available market value assessment data, which as far as I can determine is available throughout this whole province at the moment. As far back as 1973, the city of Windsor was in hand of data which pointed out the inequities of this equalization system. They now have, in detail, the calculations of that. Since 1973, to and including this year, the city of Windsor has lost in excess of \$20 million in equalization grants. For the year 1978, it will be \$8.5 million. In August of this year—on August 8, 1977—Mr. McKeough stated in writing, "It's a well known fact that the existing system of equalization for adjusting assessments leaves something to be desired. I agree further," he went on, "that there is a particular problem in connection with the city of Windsor." Eight point five million dollars worth of a problem in one year, 1978, and a backlog of \$20 million.

The Treasurer in a speech in Sarnia indicated Sarnia was the second most disadvantaged locality in the province of Ontario at \$1.5 million.

Mr. Roy: You have convinced your caucus. Now sit down and let's get on.

Mr. Bounsall: Well, it's going to be interesting. If the Liberal caucus votes against one of the only opportunities I can see to force the Treasurer to change this, go down to Windsor and explain it. Go to Sarnia and explain it. Go to St. Catharines and explain it. You obviously don't have much concern because some of them are held by the Tories, but here's another one. Go to London. This appears to be the third most disadvantaged locality.

Mr. Roy: No, no, Ottawa.

Mr. Bounsall: The cities also disadvantaged in a rather major way are Burlington, Sudbury, Kitchener, Kingston and Woodstock. Go to those cities from your caucus, particularly those of Sarnia and London.

Mr. Roy: Okay, you made your point. You have convinced your caucus.

Mr. Bounsall: Listen, I have more content in any five-minute section of my speeches than you put in your hour speeches. It would be good if you either did some research or did some reading, one or the other, or put your reading and your tongue together.

Mr. Roy: Good, good, you've made your point. You have convinced your caucus.

Mr. Bounsall: The last speaker from the Liberal Party indicated this would cause chaos across this province.

There is no way this would cause chaos across this province. It would require the officials in the ministry to do some calculations based upon data they already have and which, because the cabinet has decided not to make any changes until the government actually makes operative its market value assessment scheme in its entirety, the government refuses to equalize a system which was supposed to do precisely that—equalize grants across this province.

We have seen postponement of the introduction of market value assessment from year to year, and there is no way that we can see early introduction of this system. In the meantime the inequitable position of these municipalities continues to grow. The inequality gets even larger year by year. Over the previous five years, including this year, it amounted to \$20 million in Windsor; next year alone it will amount to \$8.5 million. That same arithmetical progression continues to grow with the years. If we think it's bad this year—and it's particularly bad for Windsor—it's going to be worse next year than it was this year for other municipalities, and the year thereafter.

This amendment will not produce chaos. The facts are in hand to make the calculations across this province in terms of this equalization formula. This amendment simply frees the formula for the proper equalization use, and it is the one way in which we can make the Treasurer become honest in terms of seeing that this equalization grant means what it says.

The Liberal Party had better think through quite carefully the position it seems to have taken on this and opt for some equality around this province, including four or five municipalities in which some of its own members live.

I am glad to see the member for Kitchener-Wilmot (Mr. Sweeney) in the House at the moment, because his city is one of the top nine municipalities disadvantaged by this frozen equalization formula.

Mr. Roy: You've made your point. Next.

Mr. Bounsall: He certainly should be convincing his colleagues to support this amendment, which represents the only chance we will have to cause the Treasurer to give a full equalization for the year 1978.

Mr. Bradley: Speaking to the amendment, Mr. Chairman, it has been stated by the member for Erie (Mr. Haggerty) that considerable problems would arise from the passage of this particular amendment. While we certainly see some short-term advantages in the passing of this amendment, and that it is one possible way—and I emphasize “one possible way”—of alleviating those municipalities adversely affected by the question that has been before the House in the last couple of weeks, precipitated by the cities of Sarnia and Windsor, it is not the only possible answer to this particular question.

Mr. Swart: Oh yes, it is.

Mr. Bradley: Even though it is characterized by some of the members of the third party as being so, I don't think it is necessarily the only step.

Mr. Roy: Political posturing is what it is.

Mr. Bradley: One of the problems we look at is that in any changes we see there are ultimately—in the view of the Treasurer, no doubt—to be winners and losers. If the Treasurer is truly going to make the system equal, that would mean some municipalities at present in a rather favourable position are going to find themselves in a less favourable position, while municipalities such as Windsor, Sarnia, St. Catharines and Burlington—those listed previously in the brief from the city of Windsor—would certainly benefit.

Mr. Bounsall: That's what equalization is all about, you know.

Mr. Bradley: We feel ultimately, of course, that this is what will happen. I would hate to see the kind of chaos that would result, however, by the Ministry of the Treasury, Economics and Intergovernmental Affairs suggesting that some municipalities are going to receive less money in the coming year than they might at present expect, particularly in a year of restraint.

[10:00]

I was concerned this problem could have been alleviated. This amendment would perhaps not have been put forward if the Treasurer had agreed this morning when I asked

him to convene a meeting of all the mayors and treasurers of the municipalities specifically affected by this particular disadvantage. I asked him to provide for those municipalities the information that's available from his ministry on this particular problem.

If this could have been dealt with in an appropriate fashion we wouldn't even be entertaining with any degree of seriousness this evening, and with necessity, the amendment of the member for Welland-Thorold, which certainly has good intentions in it. It seems to us it is possible the provincial Treasurer, in negotiation with municipalities, could find a formula whereby transitional payments could be made to the various municipalities adversely affected.

This, of course, was done in the regional municipality of Niagara when regional government was first introduced. There were transitional benefits over a period of some five years which alleviated the burden of potential property tax that would otherwise have existed in the regional municipality.

We in this party share the concern of the member for Welland-Thorold as well as the concern the member for Windsor-Sandwich in expressing to the Legislature the fact we feel these municipalities have been hard done by and certainly deserve rectification of their problem by the provincial government. But to suggest this is the only way in which it can be done, I think, is being inaccurate. We feel strongly there are other ways of alleviating this problem without dealing with it in this specific bill.

Mr. Bounsall: Outline them. Give us a few examples.

Mr. Bradley: Well, I already have. The member should be listening, because I've already indicated, of course, the method of doing it is to have the minister call together the mayors and treasurers of these municipalities to discuss this formula.

Mr. Bounsall: He has already said no.

Mr. Deputy Chairman: Order, please.

Mr. Bounsall: Time and time again he has said no.

Mr. Bradley: Dealing with those municipalities which specifically have the problem rather than opening up the entire province to this situation. Then the Treasurer could beg off by saying he's not prepared to deal with it on a province-wide basis, but might be prepared to deal with it in specifically affected municipalities.

Mr. Bounsall: You don't know the Treasurer.

Mr. Bradley: I think there is far more

chance of the Treasurer entertaining the possibility of providing transitional benefits to those affected municipalities—

Mr. Makarchuk: You haven't got a hope.

Mr. Bradley: —than there would to open up the entire can of worms across the entire province of Ontario.

Mr. Makarchuk: You can get blood out of a stone sooner than you will get it out of the Treasurer.

Mr. Swart: I guess I've been in this Legislature now about two years and two months, and I have to say I have never heard as contradictory or as absurd a speech as that given by the member for Erie in this House.

Mr. Cureatz: Never.

Mr. Swart: I also have to say that the other speeches I've heard—

Mr. Cureatz: Just listening to your side now and then, I don't know about that.

Mr. Swart: —from this quarter would lead me to believe that they are living in something of a dream world, too.

First of all, let us make no mistake about it, the Act we have before us provides for equalization of assessment even after we have market value assessment. We had equalization of assessment all those years when each municipality did it, then when the county did it. But when the province took over, they froze it even though the equalizations were the same as they were under the local municipality and under the county.

Now they have a section in the Act providing for equalization even under market value assessment. But they're freezing it for the time being. So we're in a transition period—why, I have no idea—and they are freezing the equalization factors. They're freezing the equalization factors and creating these tremendous injustices against these municipalities.

Mr. Roy: Good, good point.

Mr. Swart: Also, I'd be interested in knowing where the member for Erie got his information that it would create havoc in the 800 other municipalities. I wonder if the member for Erie could tell us how much examination there has been of other municipalities? In fact, there have been very few that have checked; perhaps 30 or 40 or 50 out of the 800 have checked. There could be 400 that would benefit from this if an equalization study was made.

Mr. Roy: Good point.

Mr. Haggerty: Let's have a study first before you bring in the amendment.

Mr. Swart: But in any event, maybe 425 would go up; maybe 425 would go down. I don't know. But if it is going to be fair, then I think we should do it.

Mr. Roy: Good, you convince your guys now.

Mr. Swart: It could be two, three or four years before market value assessment is brought in. Even then of course they are going to have to have equalization according to this Act which was passed—well, the amendment was made back in 1974.

The member for Erie made a statement about the tremendous hassle there would be at the Ontario Municipal Board.

Mr. Haggerty: You know what it's like there today. You can't get a hearing.

Mr. Swart: They would be appealing it. I would suggest that if we have fair equalization there are no more municipalities going to be appealing it than there were in 1968—

Mr. Haggerty: You don't know that.

Mr. Swart: —and 1965 and 1963 than there will be after the market value assessment is brought in, if it ever is. There won't be any more municipalities appealing it.

But I want to point out the other side of this coin to the member for Erie.

Mr. Roy: Your party's with you on that. You don't have to convince them.

Mr. Swart: I want to read another section of that section 71 which I would like to see enacted. It says this: "A municipality or a locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and also the ministry may apply for a review."

May I say to the hon. member for Erie and to other people in that caucus, that what they are saying to Windsor, what they are saying to Sarnia, what they are saying to St. Catharines, is that we don't want the right to correct the injustice.

Mr. Haggerty: No, I don't say that.

Mr. Swart: We don't want this section operative. We don't want the right to apply to the Ontario Municipal Board to correct the injustice.

Interjections.

Mr. Deputy Chairman: Could we have order please? I remind the members of the committee only the member for Welland-Thorold has the floor. Would you please allow him to conclude his remarks.

Mr. Swart: As the member for Windsor-Sandwich said, you go back and tell the people in those municipalities and perhaps 100, or 200, or 300, or 400 other municipal-

ities that find out that they are not getting the grants that they are entitled to—you go back and tell them you had the opportunity to have an equalization, so they would pay their fair share and they would get their fair share of grants but you turned it down, because that is exactly what you are doing.

If you think the Treasurer of the province, as close as you are to those on the other side, as close as you are to the Treasurer philosophically, if you think the Treasurer of this province is going to set a precedent—

Mr. Roy: You have convinced your guys now.

Mr. Swart: —in giving to one municipality some sort of out-of-pocket ad hoc grant, where there may be 200 or 300 or 400 more which will be in the same position, maybe not to the same degree, then I suggest you are living in a dream world.

I would just say to the people in that caucus there is no doubt that they are quite prepared to shaft the people in their own municipalities to go along with the Conservatives and keep this freeze on.

Hon. Mrs. Scrivener: It is a fact that if this amendment were to be incorporated within the bill it would create assessment chaos in Ontario.

Mr. Haggerty: And he knows it.

Hon. Mrs. Scrivener: Most definitely it would, Mr. Chairman, because it does introduce market value. The equalization must be based on market value and that is according to section 27 of the Act, as the member must know.

Furthermore, I am advised by my legal counsel that the factors must be based on the latest sales prices in accordance with section 27 which states that "land shall be assessed at market value."

This is borne out by recent court decisions which were all based on market value and on sales prices and on ratios to market value. I have a piece here citing case after case in which it's this sort of decision. "The board concluded the assessment should be the purchase price times the average ratio and so on."

Just to recapitulate a little bit of the history, I looked back through what had happened in terms of the equalization factors in Ontario in recent years. The member was courteous and gave me a copy of his amendment about 10 days ago and I know he was intending to debate it this evening.

It's a fact that in 1970, the government decided to take the action of freezing the equalization factors in order to maintain as-

essment rolls at the 1970 level of value and to limit the right of appeal to similar properties in the vicinity in order to stabilize assessed values until the revaluation of all properties was completed and new municipal tax policies could be developed. In retrospect I think this was a wise decision. The average price and hence the market value of single-family homes has increased much more rapidly during the period 1972 to 1975 than, say, did the value of other classes of property.

The equalization factors, were they introduced in those years, would have followed the trend. Regional government and county and district costs would have increased regularly for municipalities relying on housing units for a large portion of their tax base. That of course is precisely what would happen if Mr. Swart's amendment passes.

Not only will this amendment impact adversely on many municipalities by increasing their share of the cost of a number of expensive programs and in reducing grants, it will have the most serious effect on rural and residential communities. That in itself should convince hon. members not to support this amendment.

There is, however, an even greater worry. As I stated earlier, assessments were frozen in the first place to protect the local municipal tax base and to legitimize certain assessment differentials within that tax base until tax reform is firmly in place. I also stated that the major attack was being mounted through the appeal process. That is exemplified in the kind of court cases we now see being decided upon, in which market value assessment most definitely is the underlying factor for the decision.

I now state most emphatically that the production of factors in 1978 will set the stage for renewed requests for equity through appeals. This point was also made by the member for Erie. At the present time the courts at every level, while hearing an appeal reach their decision by attempting to determine the market value of the property under review. They then adjust the market value to the prevailing level of assessment for that particular class of property in the municipality.

Mr. Swart: It hasn't anything to do with individual assessment.

Hon. Mrs. Scrivener: I am convinced that if new factors were published in the Ontario Gazette, the courts would use them to adjust their determination of market value.

Mr. Roy: Good, we are with you on this, thank you.

Hon. Mrs. Scrivener: This would result in huge reductions to the commercial industrial sector and taxes would shift to single-family homes and to the rural sectors of the community.

I've outlined in detail the horrendous impact which revision of the stabilization factors would have at this time. Such a move would remove present stability from the assessment process, would cause immense disruption and confusion, and would inflict serious hardship upon thousands of home owners. The net result of the amendment by the member for Welland-Thorold would be a massive increase in taxes for virtually every home owner in this province.

Mr. Haggerty: That is what he wants, that's what he wants.

Hon. Mrs. Scrivener: I ask all members of this Legislature to join me in defeating the amendment.

Mr. Swart: That wasn't the issue.

Mr. Deputy Chairman: All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Amendment stacked.

Sections 4 to 6, inclusive, agreed to.

[10:15]

Hon. Mr. Welch: I wonder if I could have some indication from the committee. The Corporations Tax Amendment Act is next in committee. I wonder if it is going to take much time, because we were going to have a bell about now. Are there many changes to this Act? Could we do it and then have a bell finally?

Mr. Makarchuk: Mr. Chairman, we have one amendment for the Corporations Tax Amendment Act.

Hon. Mr. Welch: Let's call that bill then and we can do them both together with one bell.

Mr. Deans: Can we ring the bell while we're doing it?

CORPORATIONS TAX AMENDMENT ACT

House in committee on Bill 88, An Act to amend the Corporations Tax Act.

Section 1 agreed to.

On section 2:

Mr. Chairman: Hon. Mrs. Scrivener moves that section 2 of the bill be struck out and the following inserted in lieu thereof:

"2(1) Clause (c) of subsection 2 of section 2 of the said Act, as amended by the

Statutes of Ontario, 1973, chapter 2, section 1, is repealed and the following substituted therefor:

"(c) disposed of taxable Canadian property within the meaning given to that expression by subsection 1 of section 248 of the Income Tax Act (Canada) if the reference in that definition to section 2 of that Act were a reference to this section or

"(d) carried on business in Ontario," and

"(2) Clause (c) of subsection 3 of the said section 2, as amended by the Statutes of Ontario, 1973, chapter 42, section 1, is repealed and the following substituted therefor:

"(c) disposed of taxable Canadian property within the meaning given to that expression by subsection 1 of section 248 of the Income Tax Act (Canada) if the reference in that definition to section 2 of that Act were a reference to this section or

"(d) carried on business in Ontario.' "

Mr. Makarchuk: Mr. Chairman, that was very clear to us and we understood perfectly what was said. I would like to suggest to the minister that in the future, when she sends her material out to the critics, she include a copy of the federal bill she is referring to in her amending bill from this province.

An hon. member: According to the rules.

Mr. Makarchuk: According to the rules.

Hon. Mrs. Scrivener: Mr. Chairman, as a matter of fact, this was discussed with the House leaders, I believe. We understood that all parties had copies of the large bill on their library shelves and that this was available to all the critics. I regret the omission if the member feels it should have been delivered to him, but the fact is that we all understood that the parties had it and that the copies were readily available.

Mr. Deans: You must have spoken to the Liberal House leader, because he is the only one not here. You didn't talk to us.

Mr. Makarchuk: Mr. Chairman, what I'm referring to is a copy of the Canadian Income Tax Act. That was not part of the material that was provided to the critics. Since we are dealing with that specific Act, I think it is only sensible that that should have been included.

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 to 7, inclusive, agreed to.

On section 8:

Mr. Chairman: Mr. Makarchuk moves that subsection 7 of section 14 of the Act, as set out in section 8 of the bill, be deleted and

that the following subsections be renumbered accordingly.

Mr. Makarchuk: Mr. Chairman, if I may speak to the amendment, the proposed subsection puts the Ontario Corporations Tax Act on the same grounds as the federal tax and it disallows advertising expenses by firms advertising on broadcasting stations in the United States; in other words, they would have to pay the same tax that they pay to the federal government.

Section 19(1) of the federal Income Tax Act reads:

"Subject to subsection 2 in computing incomes, no deduction shall be made in respect of an otherwise deductible outlay or expense of a taxpayer made or incurred after the section comes into force for an advertisement directed primarily to a market in Canada and broadcast by a foreign broadcasting undertaking."

In effect, some of the minister's statement earlier that this may interfere with the tourist trade or anything of that nature does not really apply because the federal Act specifically refers to when the broadcast is made for a Canadian market. If you're talking about tourist trade, you're dealing with a foreign market, or an American market, and that becomes a legitimate expense for corporation tax purposes.

Mr. Deputy Chairman: Could I ask the member for Brantford to please write out that amendment and have it delivered to the table?

Mr. Roy: Mr. Chairman, in answer to your request of the member for Brantford, he simply wants to delete that subsection 7.

Mr. Deputy Chairman: I'm aware of that, but the rules of the House are that all amendments have to be in writing and submitted to the Chairman.

Mr. Makarchuk: I will be right there.

Mr. Deputy Chairman: I'm accepting the amendment but I would ask you to write it out and send it up.

Mr. Roy: Mr. Chairman, I spoke in support of the principle of this bill and had some serious disagreements with the members to my left as to the principle of taxation and the type of tax atmosphere that should be created in this province pertaining to our corporations.

Pertaining to this amendment, the response by the minister to the request made by the member for Brantford, I thought, was totally inadequate. I can't see why we are taking a different approach in this province than has been accepted by the government of Canada pertaining to section 19 of the Income Tax Act. If that type of expense is considered

under this Act not to be deductible, I don't see why we should allow it in Ontario, especially in view of the fact that the major expenses that can be deducted would certainly be under the federal Act and not under the provincial Act.

It seems to us that if we're going to have consistent tax policies in this province, I see very good reason for supporting this amendment. I've not heard cogent and logical reasons to oppose it. I've discussed it with some of my colleagues, and it appears reasonable to us at this time that we would be supporting this type of amendment. It's consistent with the federal Act. It's consistent with the principle that we should be trying to encourage Canadian content, our Canadian media and firms. I really can't see why we, in this party, would not support it.

What I found disturbing when this matter was put forward, was the response by the minister. It was such that it was very unconvincing. In fact, it was treated in somewhat of a cavalier fashion. Yet I felt that it was an important contribution to the debate. It's an important amendment. We're talking about consistent tax policies, and I find this subsection inconsistent with the whole principle of the bill. So I can say that, at this time unless we have very good reason otherwise—and as I say I'm not a tax expert—but surely, consistently, we would support this amendment.

Hon. Mr. Welch: It's obvious, Mr. Chairman, that we won't be able to complete this discussion.

Mr. Roy: We're finished.

Mr. Makarchuk: We can have the vote.

Hon. Mr. Welch: As you know, in all fairness to the minister, it is the general understanding that notices of amendments that are coming on Tuesday are given to us on Friday. You're now asking the minister to comment on something which, I understand, has fiscal implications, and I think the minister requires some time to consider this. I think it should be noted that this is not the accepted practice. We should have had notice Friday with respect to this amendment tonight. So I move adjournment of the debate on this.

Mr. Makarchuk: Mr. Chairman, on the same point, there was no way we could give notice because we did not consider the bill. But when we came to second reading, I did state to the minister that we would be moving this amendment and that was the earliest possible time that we could have moved the amendment. If you weren't so anxious to get the bill through, then you would have had adequate notice.

Hon. Mr. Welch: Now wait a minute, the bill's been on the order paper for several weeks and we decided at a meeting to call the bill tonight. There has been no undue haste. Let's be reasonable. The discussion on this bill is therefore adjourned and then we can have our division on the Assessment Act.

Mr. Roy: On a point of order, Mr. Chairman, just before—

Mr. Deputy Chairman: May I point out to the hon. members that the hon. House leader has moved adjournment of the debate on Bill 88 and I understand that is a non-debatable motion.

Mr. Roy: Yes, but I want to raise a point of order before the House leader comes along and in what I consider—

Mr. Deputy Chairman: Order, please. I will have to hear the point of order.

Mr. Roy: Mr. Chairman, it was understood that we were going to pass this piece of legislation. We said we had only one amendment. The House leader proposed that we treat the bill. We have talked about the amendment. I say that in his approach right now he's frustrating the original intent we all had to pass this legislation. It would appear that because he's going to lose the amendment, he wants to do something and they want to scramble out of here. I am saying very simply that we, on this side, are prepared to pass this legislation, vote on the amendment and let's get on with it.

Mr. Deputy Chairman: May I have the attention of the members, please. There is further debate required on Bill 88. There is a further speaker on the bill. The hon. minister wishes to speak.

The House leader has moved the adjournment of the debate on Bill 88.

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

I declare the motion carried.

ASSESSMENT AMENDMENT ACT

The committee divided on Mr. Swart's amendment to section 3 of Bill 91, An Act to amend the Assessment Act, 1972, which was negatived on the following vote:

(Ayes 25; nays 62.)

Section 3 agreed to.

Bill 91 reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill without amendment.

THIRD READING.

The following bill was given third reading on motion:

Bill 91, An Act to amend the Assessment Act, 1972.

Mr. Speaker: We have a late show under standing order 28(4). The member for Scarborough-Ellesmere has the floor for up to five minutes.

NURSING HOMES

Mr. Warner: Thank you, Mr. Speaker. The Minister of Health (Mr. Timbrell) tells this assembly he is content that all is well for the residents of nursing homes in the province of Ontario. Therefore he says that a public inquiry into the operation of nursing homes is not needed. The minister is aware that inspections have been done and reports filed citing serious problems in nursing homes. He is also aware that only 10 revocations and three prosecutions have occurred since 1972, the remaining recommendations by inspectors having been ignored.

Not only does the minister realize what is going on, so does the director of the nursing home association. At least he, Mr. Malcolm Walker, openly admits it. I refer to the *Globe and Mail*, November 29; quote, Mr. Walker: "We've told them a number of times, look, let's get tough. We tell the ministry that there are bad apples in the barrel and we want them improved, so get tough. There is no excuse whatsoever for a nursing home to have non-professional staff and have these people dispense medication, but at the same time there is no excuse for the ministry to soft pedal it."

What is so disturbing is that for the most part the problems in nursing homes, mostly related to staffing, have occurred because the owners of the homes are cutting corners in order to enhance profits. Again, Walker confesses, and we must await a similar response from the minister.

The problems are there, likely in most of the 378 nursing homes in this province, but the minister knows as well as anyone that it is very difficult for an individual member of this Legislature to expose all of the problems because residents are afraid of reprisals. So are the relatives of residents. Employees are afraid of losing their jobs if they speak up. Every once in a while courageous individuals do stand up, as Sharon Husain did regarding Kennedy Lodge.

Since the minister denies that problems exist, let me give him a few more cases and assure him that I will raise these serious

problems continuously until we get a proper resolve of the matter.

First item: The Pines Nursing Home it used to be called; it is now called the Pines Residence, situated in Mississauga. Unlicensed nurses have been giving medication there, and I am led to believe still continue to do so. An employee had hepatitis and continued to work. Nothing was done except that the residents were given shots, the employee was allowed to continue working.

There aren't very many residents there, only 36, but after 6 p.m. at night there is only one employee, one nurse; it scared them all away. There is one nurse there and usually that's an RNA, not a registered nurse to take care of 36 residents. That's the Pines.

The second item is a letter which I received regarding Bayview Villa. In particular, the writer of the letter says, be sure to see the east wing, the senile ward. It's very bad. This is a letter to me: "What a tremendous relief to note this morning on the news that you are launching a campaign to improve nursing homes in the province. My own alarming experience concerns a close friend who lived at Leisure World on St. George Street in 1976, and in Bayview Villa on Cummer Avenue from June to September of this year.

"The worst aspect seems to result from the employment of untrained, unsuitable attendants. The atmosphere of hostility towards patients and visitors is appalling in both of these homes. I shall focus in particular, however, on Bayview Villa.

"In Bayview Villa, a minority of the attendants did show attention, caring attitudes. The majority, however, were neglectful, hostile and bullying. When visiting Bayview Villa it is essential to realize that a large number of the attendants you will see are hired privately, that is over and above the regular payment. Some people had to pay as high as \$900 a month in order to get adequate private nursing care in a home where they are already paying money."

Thirdly, I bring to the minister's attention the citizens' panel report from St. Catharines, where items such as the bathing procedures are raised, residents receiving a bath only once a week; that the quantities of food are not enough, dishes of butter placed close to the floor, no hair nets are worn by the staff, cake was left to dry out for three quarters of an hour before being served.

The most disturbing part of that is that the administrator says that his home, which is highly criticized, is better than 200 in the

province; heaven only knows what the other 200 are like. The quote from the administrator says: "It is not like running your own family home; if it was we would be out of business because it is not economically feasible."

I ask the minister—

Mr. Speaker: The hon. member's time has expired.

Mr. Warner: Okay, Mr. Speaker; I would like one last sentence. The human dignity of each resident of a nursing home needs to be protected; and that is not happening today, and won't happen, until we have a proper inquiry into nursing homes. I have pursued this issue for two years now and will not be deterred by a lack of government concern.

[10:45]

Hon. Mr. Timbrell: Mr. Speaker, unfortunately I was not informed. I didn't know until the member started to get on his feet that he asked for a late show. There may be some information, statistics and so forth that I might otherwise have had with me, that I won't be able to use. Let me at the outset take exception to the very first comment which the member made which was to say that I have said that all is well.

The fact is that I ordered a review of the Nursing Homes Act and the regulations, very shortly after I took over this ministry. Recently I published the results of that in-house review, and sought public comment and contribution to those proposals. Comments were invited on what we proposed and, in addition, comments on what perhaps we haven't proposed. The parties or interested individuals think we could go further.

The member again made certain broad sweeping statements that all other recommendations for follow-up on, I think he said, on inspection reports were ignored. That's not true. I think he knows that's not true. He talked about—

Mr. Grande: Come on, you know that it is.

Hon. Mr. Timbrell: It's not true, otherwise you wouldn't have 208 nursing homes closed in the last five and a half year. 10 of them through revocation and others through threat of revocation.

Mr. Foulds: How many prosecutions have you not done?

Hon. Mr. Timbrell: Mr. Speaker, I sat here, albeit I'm the only one on this side, but I sat here very quietly and listened to the member for Scarborough-Ellesmere; I

wish that his colleagues would extend to me the same courtesy.

Mr. McClellan: Why is it you are the only one there? Because you are in big trouble that's why.

Mr. Laughren: You are in trouble. Keep digging.

Hon. Mr. Timbrell: Each of the points that the hon. member has raised previously, in addition to the ones that he's discussed this evening, relate to specific parts of the regulations. I would argue, as I did earlier today in this chamber, that a thorough discussion in public of the review of the Nursing Homes Act and its regulations will do as much good, or more, than the kind of inquiry that he's talking about. The kind of inquiry that he's talking about would result in the kind of recommendations which we have already come forward with.

Ms. Gigantes: You don't enforce the regulations you have.

Hon. Mr. Timbrell: His concern for the protection of human dignity I think is shared by all of us, at least I hope it would be shared by everybody in this House. My concern as minister is to convey to my staff, as I have repeatedly, that they have my full support to enforce to the fullest the existing regulations. Where they deem it necessary,

they are to so advise me that they want to recommend either prosecution or moves to revoke.

Mr. Laughren: This never happens.

Hon. Mr. Timbrell: I suggest that the measure of the success of the program is not in how many court cases have been launched, but rather in how we have been able in the ministry in the last five and a half years to substantially turn around what was an unacceptable situation in the nursing homes prior to the change in the Act in 1972.

Ms. Gigantes: Not in Ottawa, not in Ottawa.

Hon. Mr. Timbrell: We will continue to improve that. All is not well, I know that.

Ms. Gigantes: It has got worse.

Hon. Mr. Timbrell: I know that we can improve it further. But I suggest to you that the way to go about it is the route which we have launched on—

Mr. Laughren: You have been that route.

Hon. Mr. Timbrell: —not to get into a very expensive inquiry, which will not get us as far ahead as this will. In fact it may even leave us further behind.

Mr. Warner: Try a select committee of the House.

The House adjourned at 10:50 p.m.

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Thursday, December 1, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 1, 1977

The House met at 2 p.m.

Prayers.

Mr. Speaker: Before we begin the business of the House this afternoon, may I remind all hon. members and other interested persons of the unveiling of the portrait of Mr. Speaker Rowe which will take place outside the chamber when the House rises at 6 o'clock this evening.

STATEMENTS BY THE MINISTRY

CREDIT UNION DEPOSIT PROTECTION

Hon. Mr. Grossman: Mr. Speaker, it gives me great pleasure to announce to the House that a new form of consumer protection takes effect today for the 1.7 million members of credit unions and caisses populaires in Ontario. OSDIC, the Ontario Share and Deposit Insurance Corporation, created by this Legislature under the Credit Unions and Caisses Populaires Act, 1976, officially takes effect, and the nine-member board of directors officially takes office.

The corporation provides insurance of up to \$20,000 to each member of a credit union or caisse populaire to protect shares and deposits. This is the same protection extended by the Canada Deposit Insurance Corporation on deposits in banks, loan and trust companies.

It is gratifying to me that this high level of consumer protection has been achieved without any need to dip into the public purse. Each credit union and caisse populaire in Ontario will be assessed one per cent of its shares and deposits to provide the funds necessary to insure the assets of its members. Prior to the creation of OSDIC, shares and deposits in most Ontario credit unions and caisses populaires were protected for their members by stabilization funds established by the Ontario Credit Union League and la Federation des Caisses Populaires de l'Ontario.

In addition, OSDIC may take over the assets and management of a credit union or caisse populaire that is not in satisfactory condition; may provide financial assistance to any credit union or caisse populaire, or su-

pervise the orderly liquidation of its operations—

Mr. Samis: Whose orderly liquidation?

Hon. Mr. Grossman: —and must file an annual report with my ministry in the same manner as all Ontario credit unions and caisses populaires.

The corporation is directed by a nine-member board appointed by order in council on the recommendation of my predecessor. Three directors represent the Ontario Credit Union League, three represent la Federation des Caisses Populaires de l'Ontario, while the remaining three represent the public and unaffiliated credit unions. Some of the members of the board of directors are with us today in the gallery to my right and they will be available for information and assistance to the press after question period.

I would be remiss if I did not point to the co-operation and assistance my ministry received from members of the credit union movement in drafting the legislation which made OSDIC possible. One individual among the many who were most helpful is G. Allen Charbonneau, general manager of the Ontario Credit Union League and chairman of the board of directors of OSDIC, who also is with the group in the gallery today.

The credit union movement in this province has traditionally been responsive and responsible. I am pleased to see them join the growing roster of industries self-reliant enough to manage their own affairs. This government sees a healthy credit union movement, free of unnecessary interference, as one of the best ways to increase competition and availability of services within the financial system. It is the consumers of Ontario who are the ultimate beneficiaries. We wish them well.

CONFIDENTIALITY OF HEALTH RECORDS

Mr. Lewis: On a point of order before we start the question period, if I may, is there any minister in charge—it might be the Premier, who is now on his way in—to indicate whether there will be statements, as was widely reported, on the OHIP matter either from the Minister of Health (Mr.

Timbrell) or the Attorney General (Mr. McMurtry)?

Hon. Mr. Davis: Mr. Speaker, I haven't talked to the Minister of Health but I think he will be asking the House for an opportunity to make a statement later.

CYCLONE RELIEF FUND

Hon. Mr. Davis: Mr. Speaker, if the House doesn't object too strenuously, I have a statement on another matter. It is really very brief.

In response to a request from the Canadian Red Cross Society, the government of Ontario will contribute \$75,000 towards the India Cyclone Disaster Relief Fund. The cyclone that struck India on November 12 claimed the lives of at least 12,000 people and caused extensive damage to crops, homes and properties. The funds, at the request of the Canadian Red Cross, will be channelled through the Ontario division of that society.

CONFIDENTIALITY OF HEALTH RECORDS

Hon. Mr. Timbrell: Mr. Speaker, I apologize for being a little late. Additional copies of my statement are being printed. I've sent copies to the leaders of the opposition parties and to the health critics, although I don't see them, and also to the press gallery, I should say.

A number of serious concerns about confidentiality of medical records have arisen recently in connection with OHIP, psychiatric hospitals and other areas. I assure everyone I view this subject with grave concern. I intend to take whatever steps are necessary to ensure the principle of confidentiality of individual medical records is respected. This is my prime concern.

Each of the situations which have come to light is a case of grave concern. They demand a re-examination of policies and procedures presently in place. To undertake such an examination is neither simple nor easy. Nevertheless, we are refining our policies and procedures to reaffirm the integrity and confidentiality of individual medical records.

As examples of some of the things we have put into place, we are tightening security of OHIP records and will no longer supply any information to police forces without a court order. We are working in concert with the Ontario Hospital Association to examine the possible need to tighten procedures regarding patient records in hospitals. In our psychiatric hospitals we will be keeping a log of all requests for information and we will

shortly be proposing amendments to the Mental Health Act which have been designed to better protect the rights of all psychiatric patients.

In addition, this government has decided to appoint Mr. Justice Horace Krever to review and to make recommendations on policies and procedures which will ensure confidentiality of individual medical records.

Mr. Justice Krever's distinguished background and experience qualify him eminently for this review. While a professor in the faculty of law in the University of Toronto, he also lectured in medical jurisprudence. Between 1966 and 1970 he was a member of the Committee on the Healing Arts. He has also been a member of the Council of Health and of its executive committee, and president of the Medico-Legal Society of Toronto.

Specific terms of reference for Mr. Justice Krever's review will be made public within the next week.

Mr. Lewis: It's a start and a change.

Hon. Mr. Davis: Don't leave yourself vulnerable.

Mr. Lewis: That isn't the first time.

ORAL QUESTIONS

CONFIDENTIALITY OF HEALTH RECORDS

Mr. S. Smith: I have a question for the Minister of Health. Welcoming as I do, and as I am sure all members on this side do, the appointment of the distinguished Mr. Justice Krever, I wish to ask the minister whether the terms of reference which he is engaged in preparing for the judge will include cases such as that reported, in which a doctor allegedly obtained on a regular basis for an insurance adjuster of some description, hundreds of medical files with which he had no professional business. Will those matters be included in the terms of reference for the judge to look at?

Hon. Mr. Timbrell: Yes, the Public Hospitals Act would form part of the terms of reference.

Mr. S. Smith: Has the Minister of Health discussed with the Attorney General (Mr. McMurtry) the possibility of any charges being laid with respect to that particular case, and whether any further action should be taken regarding the insurance adjuster or the doctor or anyone else for that matter? Has he discussed with his other colleague, the Minister of Consumer and Commercial Relations, whether or not these practices are very widespread in the insurance industry, whereby insurance companies can find them-

selves in possession of medical files without the permission of the patient and without the court having issued an order for such files?

Hon. Mr. Timbrell: I haven't discussed with the Minister of Consumer and Commercial Relations the latter suggestion. I would think that that would very definitely be a part of the review that would be carried out by His Honour. With respect to the former, that is something we are pursuing with the hospital association, and we are investigating further the question of the doctor concerned.

Mr. S. Smith: I thank the minister and look forward to further responses.

BROWNDALE

Mr. S. Smith: I have a question for the Minister of Community and Social Services. Given the recent charges that have been laid with regard to the operation of Browndale and given the fact that such an occurrence could well be giving rise to feelings of uncertainty on the part of staff, on the part of parents and perhaps even on the part of children—those old enough to understand what's happening—can the minister tell us what plans he has developed and has implemented to ensure the welfare of the children and the public interest in general, and what he has done, having had about a year and a half to prepare for this eventuality?

Hon. Mr. Norton: Immediately upon learning of the laying of the charges to which the hon. member refers, the senior officials within my ministry met with representatives of the board of directors of Browndale, at which time the question of continuation of the service and the welfare of the children was discussed. Firm assurances have been given that there will be no interruption in service to the children. In addition to that, steps have been taken both by the senior officials of my ministry and officials of Browndale to contact their workers in the field across the province to reassure them that the service will be maintained throughout this period. We have no reason whatsoever at this point to fear there will be any interruption of service.

Mr. S. Smith: By way of supplementary, given the rather exceptional circumstances in this matter, would the minister not agree that he and his officials might be well advised to convene a meeting of Browndale staff and a meeting of parents involved so as to let them know what contingency plans may exist, lest they feel threatened by circumstances or by other threats expressed or implied by whatever person? Wouldn't such a meeting at which the ministry could lay

out its contingency plans and its guarantees about the continuation of service be a good idea, given the uncertainty that must exist in their minds at this time?

[12:15]

Hon. Mr. Norton: As I have said, contact has been made with staff members of Browndale across the province to do precisely what the hon. member requests we do. I am not sure how extensive his suggestion would be in terms of convening a meeting of Browndale staff, whether he means literally bringing in all the staff from across the province of Ontario. I can assure the member that contact has been made, both by Browndale and by officials in my ministry, precisely for the purpose of giving that kind of reassurance. At this point I have no indication that further measures, such as convening a meeting in Toronto or else at another location in the province, are necessary or would serve any further useful purpose.

Mrs. Campbell: Would the minister not agree that given the new circumstances there are bound to be dislocations, and that extraordinary steps are required with Browndale's co-operation, hopefully, in order to stabilize that situation?

Hon. Mr. Norton: Again it is not clear in my mind what specific kind of situation the hon. member is referring to. Certainly, should the present situation not continue, and I can assure the hon. member that the Browndale corporation has indicated a willingness to co-operate with us in order to ensure the continuation of service—we do have staff members in our ministry who will be monitoring that service throughout this period of time—but should there be any indication to us that there is dislocation or that there is reason for further intervention, certainly I would be prepared to do that, and certainly I would exercise the authority that I have under the ministry Act to do so. But I do not want to act precipitately when there are indications of co-operation in order to continue service.

Mrs. Campbell: May I ask one supplementary following the minister's reply? He has referred to monitoring. Could the minister give us some idea what he means by monitoring the situation by members of his staff?

Hon. Mr. Norton: Ministry staff in the field, throughout the districts across the province, have been instructed to establish a close relationship with the staff of Browndale and to maintain ongoing communication with them in order to ensure that there is no threat of disruption of service.

Mr. S. Smith: A final brief supplementary: Now that the charges which were at one time pending have in fact been laid, are we going to receive answers to our questions regarding the financial situation, especially about how the 1977 per diem was set? Furthermore, is the minister going to tell us now what changes in the method of funding he has in mind?

Mr. Speaker: Order, please. If I might just intercede at this time, we have reviewed the sub judice rule on numerous occasions in this House, and it is not the prerogative of the Speaker to call into question the nature of a question and whether or not it may be. All I want to do is caution the person asking the question and the minister to use some discretion with regard to the sub judice rule. I am not outlawing the question. I just want to remind members of that.

Mr. S. Smith: May I just speak to that point briefly, Mr. Speaker, in thanking you for that reminder. As you are aware, sir, the government of Ontario pays to Browndale now about \$700,000 a month. We are merely asking whether that can be accounted for, as we requested in estimates. As you know, sir, in estimates we were told that because charges were pending, they didn't have the information available for us. We wonder if it will be available now, including any plans they have to change the method of funding.

Hon. Mr. Norton: I think the only change in circumstances since the time that questions were asked during the estimates is that perhaps it is even clearer now that certain issues are sub judice. Since I am not familiar with either the details of the previous investigation or the evidence that might be relevant to the charges currently before the court, I would be very reluctant to discuss it especially in view of the legal advice that I had obtained earlier while the matter was under investigation.

Mr. Lewis: If I may ask a supplementary, surely the minister is not hesitant about now discussing the applicable per diem for a treatment centre and how he arrived at it, since it is functioning today.

Hon. Mr. Norton: As I said, if I were aware—and I'm not—of specifically what issues gave rise to the charges currently before the court, then I would know what I could safely comment upon. But I am not privy to that information and I would not wish to comment on a matter in any way so as to prejudice the case that's before the court or any of the persons who are involved.

Mrs. Campbell: Supplementary on a point of clarification: Do I understand it that the minister is still relying on an opinion which was given some time ago? Has he not sought a further opinion as to whether the facts cannot be told now that charges have been laid? If he hasn't, will he do it?

Hon. Mr. Norton: Of course, I will. I have not, and I'm sure right now I could assure the hon. member that the opinion is not likely to have changed since the charges have been laid.

CONFIDENTIALITY OF HEALTH RECORDS

Mr. Lewis: I too would like to welcome the statement made by the Minister of Health and come at his statement in a slightly different way. Does it not concern the Minister of Health considerably that both the complaints committee of the College of Physicians and Surgeons and the Health Disciplines Board in Ontario would virtually exonerate from culpability a physician who admits to giving literally hundreds of files, without consent required from the patients, to a third-party insurance adjuster over a period of time, and that all the Health Disciplines Board says is, "It's not a very nice thing to do, but it wasn't meant with malice and, therefore, we'll just let you off!"?

Doesn't it worry the minister about the standards and scruples which both the complaints committee and the Health Disciplines Board are applying to this highly sensitive area?

Hon. Mr. Timbrell: Yes, it does. I haven't got the decision with me but, as I recall it, the quote, either in the report or some back-up papers, was that this particular physician had prepared hundreds of similar reports. The case in question had to do with one particular instance where he had obtained a record without consent—that one. It's not clear about the others. I guess perhaps one can try to make that kind of a bridge. Even though it's just one, that certainly is sufficient grounds for concern.

As I indicated, we are working with the Ontario Hospital Association which in recent months already had circulated its members with reminders of the provisions of the Act. I will be meeting with the hospital association again for our regular monthly liaison in a couple of weeks. In the meantime what we propose to do through them is to follow that up with a review, asking each of the hospitals to indicate yet again what are its current procedures. Where we find any wanting—"we" being the ministry—then we will pursue

it with individual hospitals pending the completion of Mr. Justice Krever's review.

Mr. Lewis: Supplementary: Let me remind the minister that the physician said he prepared hundreds of similar reports, over the years, "many of them for that particular adjuster." It probably is more than one. On that basis, beyond the Ontario Hospital Association, doesn't the minister think it might also merit a conversation with the Health Disciplines Board, without meaning to erode its authority, and with the complaints committee of the College of Physicians and Surgeons to suggest that this protective environment applied to the medical profession might be ameliorated a little in the way they view and judge such cases? This is really quite gross.

Hon. Mr. Timbrell: Certainly I intend to pursue it with the college at our next meeting. As the member knows, I also meet with them once a month so that current things that come to the surface can be dealt with fairly quickly. We'll take it up with the board.

It comes down to the college's view. As I read it, the board obviously felt there was no point in referring it back, given the circumstances. There appeared to have been, in their view, reasonable grounds that the doctor thought there was consent. That's not good enough, obviously. It's got to be tightened up. I always remember something I was told years ago in high school when I told the teacher I assumed something. He said, "You just take apart the word 'assume' and you end up with three words. That's exactly what it does to you every time you assume anything."

Mr. Conway: Since the particular judgement in question is dated at Toronto, July 6, 1977, and since the Ministry of Health has been under regular and sometimes rather intensive questioning about this entire matter in the last three weeks, am I to assume that no one in the Health Disciplines Board thought to draw this to the attention of the minister or the senior members of his staff? No one knew that this judgement, which was four or five months old, in fact existed and clearly contradicted many of the impressions which had been left as a result of estimates discussion and some questions raised in this House?

Hon. Mr. Timbrell: With respect, Mr. Speaker, I really do take exception to some of the bridges the member tries to make of these things. I don't recall that we discussed hospital records in estimates under the

Public Hospitals Act. Let's make that clear from the start.

Secondly, the other night when I left cabinet for a while a reporter asked me about this, and I was mistaken when I said that I didn't recall having seen that particular one. When I checked the next morning, once the office was open again and the files were open, I found that in fact that one had been referred to the ministry by the board at about that time, I can't recall a date, and that action had been begun then with the hospital association. In fact it has been followed up, as I have been describing, with circularization by the hospital association of their members and our plans to pursue it with the hospital association at individual hospitals.

Mr. Conway: Supplementary.

Mr. Lewis: Mr. Speaker, if I may, one last supplementary—I am sorry, the member for Renfrew North triggers a recollection with his supplementary.

I would like to ask the minister: The last paragraph of this judgement, dated July 6, so many months ago, says: "Dr. X informed the board that the hospital made its x-rays available to him without any inquiry as to whether he had the patient's consent or a court order. The board believes this may constitute a violation of the Public Hospitals Act and recommends that the matter be investigated by the appropriate authorities."

Has it been investigated? Who were the appropriate authorities? What happened?

Hon. Mr. Timbrell: It is under investigation.

Mr. Swart: As of yesterday?

Hon. Mr. Timbrell: It is just about complete. A number of individual things have come up over the last few days that I have asked for numbers on and so forth. I think we will probably be in a position by early next week to give the member a definitive answer on all aspects of that, and on what has been done with that particular hospital.

Mr. S. Smith: How can the minister, Mr. Speaker, have any confidence at all in the Health Disciplines Board, when its judgement points out such things as "records with respect to a certain patient, who was not, incidentally, the doctor's own patient?"

Surely the minister would agree with me, Mr. Speaker, that if doctors were required to give a signed subpoena or something every time they wanted a patient's record in the hospital, the hospital would grind to a halt. Doctors must know the difference between asking for their own patient's case and asking for a case with which they have absolutely no professional business.

Mr. Speaker: The question has been asked.

Mr. S. Smith: If the Health Disciplines Board sees that as an incidental matter, how can you have any confidence in that board at all in these matters?

Hon. Mr. Timbrell: Mr. Speaker, I think we all accept the gravity of it, and with respect I don't believe that the words "incidental matter" are used.

Mr. S. Smith: Incidentally, incidentally.

Hon. Mr. Timbrell: As I read it, the judgement of the board was that, sufficient doubt was raised by the doctor's statement that he assumed he had that authority.

What I am saying to the member, and what I said earlier, is that I am concerned about that assumption. There should be no grounds for that assumption, it should be very clear cut in the operation of the medical records facilities in hospitals that you either have a consent or you don't.

Mr. Speaker: Final supplementary. The hon. member for Parkdale.

Mr. Duszta: Can the minister tell me the present stage of proposals to computerize the psychiatric records for psychiatric patients in provincial psychiatric hospitals? This in the past led to serious objections from the staff on the same grounds of confidentiality.

Hon. Mr. Timbrell: Offhand, Mr. Speaker, I am not sure of the status of that, whether it has gone any further than being a proposal for discussion. I will get the information for the member.

[2:30]

RADIATION LEVELS

Mr. Lewis: Yes; that took quite some time, Mr. Speaker; I'll try to be brief.

I would like to put a question, if I could, to the Minister of the Environment, albeit his involvement is perhaps peripheral.

Did the minister notice the story in today's newspapers about the group of scientists in the United States who found that the exposure to even very low level radiation in nuclear facilities in nuclear refineries had apparently caused a startling increase in the incidence of cancer among the work force and that the levels which have been commonplace in the United States and Canada may, in fact, constitute a terrible hazard? Is it possible that information can be acted upon quickly by the Minister of the Environment and the Minister of Labour (B. Stephenson)?

Hon. Mr. Kerr: I haven't had a chance to read that particular article in today's paper. However, it deals mainly with occupational

health. Certainly I will get the article and refer it to people within my ministry and also discuss it with the Minister of Labour.

Mr. Lewis: By way of a quick supplementary, may I ask the minister, just so that it is acted on quickly, to look at it in the context that the levels that resulted in this disability are one-tenth the levels of exposure in Ontario at the moment. Also, he should note that we have just now, for the first time, two cases of cancer of this kind coming out of the Port Hope refinery which are before the Workman's Compensation Board. Since the minister is so deeply involved in the whole nuclear development program, would it be possible for him to pursue it in that context?

Hon. Mr. Kerr: I think the hon. member is aware there have been a number of papers of this kind dealing with low level radiation and cancer. I would think there would be some expertise, not only within my ministry but within Labour and Health dealing with this subject. We can put everything together, compile it, and have some sort of a provincial stance on it.

MISCONDUCT BY POLICE

Mr. Stong: Thank you, Mr. Speaker. I have a question of the Solicitor General. Is the minister aware of a letter being circulated among the lawyers of the regional municipality of York on the stationery of the North York Law Association and over the signature of the secretary, Mr. Clark Smith? The first sentence reads, "Certain members of the North York Law Association have advised the executive that cases of misconduct by the York Regional Police Department have become so frequent and involve so many police officers that they are gravely concerned about the standard of police protection in the region."

If the Solicitor General is not aware of this letter, I am prepared to give him a copy. At any rate, is the Solicitor General prepared to have a representative of his ministry attend the meeting suggested in this letter so that if any investigation is warranted it can be conducted by the ministry?

Hon. Mr. MacBeth: I thank the member for bringing that to my attention. I have not seen the letter and I will be glad to have a copy of it. I don't know whether the correct procedure would be for someone from the OPC to attend, but we certainly will follow it up, either through the OPC or by direct police representation.

RADIATION LEVELS

Mr. Cassidy: A question of the Minister of the Environment: In view of the discovery of background radiation in a subdivision in Ottawa, in March township, and the possibility of that existing in other subdivisions across the province, what steps are being taken by the ministry to determine the existence of this background radiation in existing and in future subdivisions? And further, what steps is the minister planning to take in order to protect the health of the individuals who are directly affected?

Hon. Mr. Kerr: Mr. Speaker, the home owners in question have been notified. Any home owners living where levels of radiation above our criteria have been found have been notified. This is natural radiation, as the hon. member probably knows. It may extend beyond the 343 homes that have been surveyed to date. I understand the federal agency, the radiation agency that is undertaking these studies, will continue its survey.

Because it is natural radiation, I think there will have to be some decision involving not only the federal government and the local government but the home owners as well. I think any decision will have very far-reaching consequences and will set a precedent as far as cost is concerned. I think, however, it is our responsibility to indicate to the home owners how the problem can be solved and what can be done to the structure itself to lower the radiation and make sure their levels are safe.

I think that would be the first thing we should do and we're attempting to do that by way of a public meeting, which I believe was held last night. There will be further information given to the home owners who have been advised about high levels, and then the decision as to whatever cost is involved will have to be made by the two levels of government and the home owners.

Mr. Cassidy: Supplementary: Will future subdivision sites across the province be checked for natural background radiation? Is this not part of the ministry's plans, in order that this problem does not reoccur?

Hon. Mr. Kerr: Wherever high levels of radiation are suspected, certainly it will be incumbent upon some level of government to notify not only home owners but also potential developers and subdividers in the area. I understand that this result in March township, for example, will pretty well affect the development that's going on at the present time. However, I don't think the situation exists in all parts of the province, but there's

definitely a vein of radiation through that part of Ontario. So it's quite possible that before subdivisions or housing developments are approved in the future they'll have to have some sort of a certificate indicating there's no radiation problem.

Mr. Speaker: The hon. member for Simcoe East with a new question.

Mr. Foulds: Supplementary, Mr. Speaker.

Mr. Speaker: We've had enough supplementaries.

Mr. Foulds: We've had only one.

Mr. Speaker: That's right.

HURONIA REGIONAL CENTRE

Mr. G. E. Smith: Mr. Speaker, I have a question for the Minister of Community and Social Services. Is it true that two administrative salaries are being charged against the operational budget of the Huronia Regional Centre? I'm referring, of course, to the existing administrator and the salary of the former administrator.

Hon. Mr. Norton: Mr. Speaker, it is my understanding at the present time, I suppose one might say as a bookkeeping entry, that the former administrator at Huronia still appears to be being paid his salary from that facility; but I can assure the hon. member that there is a chargeback arrangement with the division of the ministry for which the administrator is now working, and that chargeback will be retroactive and it will not have any direct impact on the budget of the facility at Huronia.

Mr. G. E. Smith: Supplementary: In view of the fact that at least two important maintenance positions that are vacant now due to attrition have not been filled due to restraints in the salaries budget, could the minister assure me that since this \$38,000 is being transferred to another area of his ministry the local administrator and those responsible could at least take a look at replacing the important support staff that is needed?

Hon. Mr. Norton: We are presently working with the administrators of all of our facilities in reviewing, first of all, the level of staffing and also the potential impact of any needed further constraints on staff. I can assure the hon. member at this point that we are doing everything we can to preserve the level of staffing. I cannot, at this point, make a specific undertaking with respect to the two positions that he refers to, but I can assure him that an appropriate level of staffing will be maintained.

Mr. Breithaupt: Supplementary: Is the minister now able to advise us as to the current duties of the former administrator?

Hon. Mr. Norton: Mr. Speaker, of course I can, but as the hon. member may realize, I'm reluctant to discuss that, not for any reason relating to the specific duties but because of the fact that there is a case, I believe, before the Supreme Court of the province of Ontario initiated by the employee in question.

Mr. Eakins: There's always a case before the courts.

Hon. Mr. Norton: In that case, I understand, some of the relevant issues do relate to the specific duties assigned to the individual.

Mr. McClellan: The government is going to get buried in litigation over there.

Hon. Mr. Norton: Perhaps I can assure the hon. member I am satisfied that the individual in question is performing a very useful and productive service to this ministry and to administrative facilities across this province. Any reference to pencil-sharpening aside, I can assure the hon. member his duties are much more responsible than that kind of statement would involve. I suspect his contribution will be very important to the ability of our ministry to provide good advice for some of our homes for the aged across the province with respect to planning for future budgets at a time of constraint.

ABORTIONS

Mr. Sweeney: I have a question of the Minister of Health: Given that half of all the abortions performed in Canada occur here in the province of Ontario, does his ministry have any monitoring mechanism to ensure that hospital therapeutic abortion committees are carrying out their decisions in line with the intent of the Criminal Code of Canada?

Hon. Mr. Timbrell: As the hon. member knows, no abortion can legally be carried out unless it has gone through the therapeutic advisory abortion committee, I guess it's called the TAAC. We have statistics on the number of abortions which are carried out in the province and where it is a provision of the law that they must go through the TAAC of the individual hospital involved.

Mr. Sweeney: Supplementary: Does it not concern the minister that a sizeable number of doctors in this province have declared that the majority of abortions being carried

out are not for purely medical reasons but for convenience or social reasons? That's why I asked if there was any monitoring system.

Mr. Lewis: Which doctors? What group of doctors? Tell us who is the influential group of doctors?

Hon. Mr. Timbrell: I'm well aware how emotional an issue this is, and the division is along more than simple political lines; within political parties one will find shades of opinion on this issue.

The means by which the committee would review applications are set out by the federal government in the Criminal Code in the section which pertains to abortions. Our responsibility at the provincial level is to ensure that the law is carried out in the sense that where abortions are performed the review committees are established. We do not dictate the attitudes of the members of those committees and we don't dictate the membership. We don't dictate the attitudes and so forth of the directors of hospitals, where from time to time one does get a chief of medical staff who is either very opposed or in favour, generally speaking. In short, we do not try to tell the members of the committee what they should think.

SETTLEMENT CORPORATION

Mr. Deans: I have a question of the Minister of Housing. Would I be correct in assuming the minister has noted that Settlement Corporation is one of the builders HUDAC no longer covers under the home warranty program? Would I also be correct in assuming the minister can recall the numerous occasions that the shoddy workmanship of Settlement Corporation was brought to the attention of his ministry, either to himself or to his predecessor? Doesn't the minister feel, at this point in time, that maybe the Ministry of Housing has some responsibility to those people who purchased homes that were built by Settlement Corporation under the HOME program, homes that have proven to have in them all the shoddy workmanship and materials that have now brought about the company being refused a licence by HUDAC?

[2:45]

Hon. Mr. Rhodes: I am not aware of whether or not the particular corporation is no longer covered by HUDAC. That warranty program is not in my area of responsibility. However, I appreciate being advised of that.

Certainly I am aware of the comments that have been made by the hon. member and others concerning this particular problem. Frankly I was under the impression that we had adequately handled the situation as it relates to the particular development to which the hon. member is referring.

There are a number of developments and I was putting them all in one category, but I certainly will look into that matter for the hon. member. I believe these people are entitled to have their homes properly built and properly brought up to the standards that they had expected when they were purchased.

Mr. Deans: One supplementary question if I may: Given that the HUDAC warranty program covers primarily structural rather than what they would term cosmetic problems with regard to the home itself, would the minister instruct his ministry to go and review the houses built in what was previously called the satellite city development in Saltfleet? Would he determine for himself whether or not the workmanship there is up to the standards which he would expect? If not, would the minister take appropriate steps, notwithstanding HUDAC, which doesn't seem to deal with matters other than whether the beams are in the right place or not, to make sure the work that has been started is completed to the satisfaction and to a level—

Mr. Speaker: The question has been asked.

Mr. Deans: —that he would consider satisfactory?

Hon. Mr. Rhodes: Mr. Speaker, first of all, as I recall the HUDAC home warranty plan, I was under the impression the matters that the hon. member refers to as cosmetic were covered by the warranty for the first year and that the structural problems he refers to were for five years.

As far as the satellite city development is concerned, I am not sure whether the hon. member is referring to buildings that were built in the first project or have been recently built. Certainly I don't feel that I should be going back three, four or five years and looking at what he described as cosmetic problems.

NITRATES HAZARD

Mr. Johnson: Mr. Speaker, a question to the Minister of Agriculture: Mr. Minister, are you aware of the article appearing in the Toronto Star, Wednesday, November 30, reporting on the Ontario Federation of Agriculture meeting and remarks attributed to the president, Peter Hannam, and University of Guelph researcher, Don Irvine, who has a National Research Council grant to study the

effect of processing a nitrate preserved cheese? Irvine states that nitrates can produce a potent cancer-causing compound and this nitrate preservative is used in imported Dutch cheeses. The Federation of Agriculture delegates called for a ban on nitrate preservative imported cheese. Peter Hannam said that the preservative is not needed or used—

Mr. Speaker: Is there a question?

Mr. Johnson: —in the making of Canadian cheese.

Mr. Speaker: We want a question, not a statement.

Mr. Johnson: I have two questions. One, will the ministry undertake to investigate these and similar claims, and if there's a danger to the Ontario consumer in using imported cheese, inform them? And point two, would the ministry also inform the Ontario consumer that this preservative is not used in the making of Ontario cheese?

Hon. W. Newman: Mr. Speaker, I just got a notice somewhere here—I haven't read it in its entirety. But I would point out to the hon. member that if nitrates are a problem in the preservative of cheese, I would be only happy to talk to the federal people who approved of it because we can produce those same cheeses right here in the province of Ontario and it would give our dairy farmers more milk production. I certainly will look into that very thoroughly and will discuss it with the federal authorities who approved it. On the second point, I am not sure exactly what is used in production of Canadian cheese but if there are no nitrates—although they were approved by Ottawa I understand—certainly we will be glad to look into that and assure the consumers of the province of Ontario that everything is under control.

Mr. Makarchuk: Supplementary?

Mr. Speaker: The hon. minister said he would look into it and you will have an opportunity to ask an original question later on.

MINAKI LODGE

Mr. Eakins: Mr. Speaker, a question of the Premier: Speaking at the NOTO convention in Thunder Bay, he made an announcement about Minaki Lodge. Could he give us further information on the cost estimate of retaining architects to study the recreation and convention facilities at Minaki? And can he make a commitment at this time as to when construction of such facilities will take place?

Hon. Mr. Davis: Mr. Speaker, I am delighted the hon. member keeps track of what I say when I am in Thunday Bay. It was a

very pleasant evening up there last night and I ran into some mutual friends.

I did make it quite clear that we were moving ahead with the architectural concept for the recreational part and so on of Minaki. I will get that figure. I was asked by the press as to what time frame might be involved in terms of construction and completion, and I will give you the same answer I gave them; in that they understood it, it is quite obvious that you will understand it.

I said it related to the ability of this province—the economic situation, the amount of capital funding—and as a result I was not able to put any time schedule to it. But I will certainly get the estimated figure for the design work.

Mr. S. Smith: I heard the Premier on the CBC this morning.

Hon. Mr. Davis: Did the Leader of the Opposition have a supplementary? Yes; I covered it very fully.

Mr. S. Smith: I heard him. He said he would complete Minaki despite what southern Ontario thinks about it.

Hon. Mr. Davis: No; I said that I expected there would be some criticism from some people in southern Ontario—

Mr. S. Smith: Darn right.

Hon. Mr. Davis: That is just like the Leader of the Opposition; he doesn't understand the north at all, and that's one of the reasons he has so much difficulty up there.

Mr. Speaker: Order.

Mr. Eakins: Are we to assume from the remarks of the Minister of Industry and Tourism (Mr. Bennett) just a month ago that private interests are still being sought to buy the lodge; or is this architectural study being done to aid the government in its future ownership of the lodge?

Hon. Mr. Davis: I hope the hon. member, who is surely familiar with the tourist industry, personally recognizes the desirability of having the private sector, particularly a firm or organization with experience in administering a facility of this kind, involved.

I think that as he obviously is an entrepreneur himself he recognizes that it would be advisable to have the concept, at least, completed; some estimate as to time and some estimate as to ultimate cost. This would be more attractive to an entrepreneur, company, whatever term you may wish to use, in making their assessment. So if you are asking if it is still the desire of the government to have somebody move in on a partnership basis, or even a purchase, or to assume management; yes, the answer is very simple.

Mr. Conway: Have you asked Eaton's?

Hon. Mr. Davis: I don't think they are in that business.

TRAINING SCHOOL DEATH

Mr. McClellan: I have a question of the Minister of Community and Social Services. May I ask the minister, for the third time, whether he will, and when will he, produce to this House a statement with respect to the circumstances preceding the death of Robert Shepherd in the Hillcrest Training School, similar to the report produced by the Provincial Secretary for Social Development (Mrs. Birch) with respect to the suicide of Norma Dean?

Hon. Mr. Norton: As the hon. member I am sure is now aware, there has been a date set for an inquest into the matter. Especially in view of the concern I know he would share with me for the confidentiality of specific information, particularly relating to a juvenile, even though he be deceased, I know he would also share with me the concern about how the whole matter might be handled at this point.

I can assure the hon. member that the full information will be made available to the inquest. In view of the relatively short period of time before the inquest takes place I would ask that he consider bearing with me until the inquest has been held. I would be quite prepared to share the information with him at that time.

Mr. McClellan: By way of supplementary: May I ask the minister why this case is different from the case of Norma Dean, in which case we had a statement which preceded the inquest? What's the problem here?

Hon. Mr. Norton: Lacking any other explanation, I suppose the different element is perhaps the minister who is involved and the concern that I happen to have for the question of protecting the confidentiality of the records of juveniles, except when they are properly presented at an inquest or before a court as required.

Mr. Lewis: The Provincial Secretary for Social Development didn't have—

Hon. Mr. Norton: I am not commenting upon that, I am saying that is my opinion.

Mr. Lewis: You are certainly gratuitously commenting on it.

Hon. Mr. Norton: I do have a concern about that. In fact, I must say that I was even very disturbed with certain members of the staff of my ministry, who I felt exceeded the bounds of respect for the confidentiality of the records of a juvenile—although in a

minor way—about a week ago when comments were made.

Mr. Speaker: A minister named John has the answer to a question asked previously. I don't know whether it's the Solicitor General or the Minister of Housing.

Mr. Peterson: It is big John.

Mr. Gaunt: It is big John.

Hon. Mr. MacBeth: Mr. Speaker, I apologize for my informality. I must have had other things on my mind. There are a good number of Johns about this location.

Mr. Conway: What happened to John Smith?

FIRE AT JUDGE'S HOME

Hon. Mr. MacBeth: Mr. Speaker, on Tuesday the member for Wentworth North (Mr. Cunningham) asked me a question concerning a fire at the residence of Judge Stortini. A fire did occur on January 28, 1977, when the house was vacant and up for sale. It has been determined that the fire was incendiary in origin. The Fire Marshal's office, in conjunction with the Metropolitan Toronto Police, investigated the case; however, the police have not been successful in apprehending a suspect. The file has not been closed, but there will be no new developments until the police find a new lead.

The other reply I had was for the member for Port Arthur and I will hold that until he's in the House.

BARRIE-TORONTO RAIL SERVICE

Mr. Hodgson: I have a question for the Minister of Transportation and Communications.

Mr. Breaugh: Here we go.

Mr. Sargent: Sock it to him, Bill.

Mr. Hodgson: The minister reported in the House last week that the Richmond Hill commuter service is going along well and is expected to open in 1978—

Mr. Nixon: Good. How is the new road up there, Bill?

Mr. Hodgson:—which I'm sure all the commuters up there will be very happy about.

Mr. Makarchuk: Make this a press release.

Mr. Hodgson: The question I am asking concerns the Barrie-Toronto commuter service which has been in operation for the last four or five years.

Mr. Nixon: Is that saltpetre?

Hon. W. Newman: Do you know how to use it?

Mr. Hodgson: Does the minister know if any agreement was reached between the

province and the federal authorities regarding the commuter service initiated in Richmond Hill—was it agreed that it will be discontinued? Has he had any discussion with the federal Minister of Transport on this particular question?

Hon. Mr. Snow: No, Mr. Speaker, I have not had any discussion with the federal officials or with the CNR regarding any discontinuance of the Barrie to Toronto CNR commuter train. I'm not aware of any plans to discontinue that. As any agreement relating to that service would have been before my time in the ministry, I'd have to check to see for sure that there is no such agreement; but certainly I'm not aware of any application by CNR to discontinue. I will look into it.

Mr. Hodgson: Supplementary: Would the minister have a meeting with his federal counterpart on behalf of those 300 commuters who use that train daily from Barrie to Toronto? They are most anxious. I am getting questions from them regarding the future of that service. Would the minister have it at an early date so that we can put their minds at ease?

Hon. Mr. Snow: I'll certainly inquire into it to see if a meeting is required with Mr. Lang. If a meeting is necessary I'll certainly try to arrange one as early as possible.

SCHOOL BUS SAFETY

Mr. Worton: I have a question for the Minister of Transportation and Communications. He will recall earlier this year that I had written to him expressing concern by a number of school bus operators in regard to the difficulties they were having with vehicles that were passing their busses while their lights were flashing. They were concerned about the way in which the driver had to be identified. The minister replied and indicated that he didn't feel changes could be made.

In view of the fact that there have been a number of school boards—and they have written, no doubt, to the minister as well as to members—asking for a change in the method of laying a charge on the basis of the licence number of the vehicle rather than by identification of the driver, would the minister consult with the Solicitor General (Mr. MacBeth) to see if a solution can be found for this problem?

Hon. Mr. Snow: Yes, I will, Mr. Speaker. I'm sure there will be some difficulty in the legalities of that process of laying a charge without stopping the vehicle to identify the driver. I will not attempt to give my colleagues any legal advice, but I will consult with him.

Mr. Haggerty: I don't think we would take it anyway.

[3:00]

DISABILITY PENSIONS

Mr. Lupusella: Mr. Speaker, a question to the Minister of Community and Social Services: Can the minister explain to this House the government's policy in relation to guaranteeing benefits under the Family Benefits Act to individuals affected by chronic paranoid schizophrenia, and recognized by psychiatrists as being totally unemployable? Are they qualified to be covered by the Family Benefits Act?

Hon. Mr. Norton: Mr. Speaker, with respect to the specific condition the hon. member asks about I am not in a position to respond fully at this point; I will take that question as notice and be prepared to respond fully at a later time.

TABLING OF LEGAL DOCUMENTS

Mr. S. Smith: A question of the Attorney General, Mr. Speaker, regarding documents that he has at one time or another undertaken to provide in the House. Could he provide us with the following: First of all, the legal opinion that he has been seeking regarding what constitutes legal access by police to OHIP files? Secondly, the OMB material, the internal file on the Davies matter and all of the Treasurer's (Mr. McKeough) correspondence regarding the same matter.

Mr. Lewis: And while the Attorney General is at it what about that investigation into the NDP in the early 1970s?

Mr. S. Smith: Did they find them?

Hon. Mr. Rhodes: Good idea.

Hon. Mr. McMurtry: I recall the question related to the documents in the possession of the OMB in relation to that particular file, and had also asked questions with respect to correspondence that had been turned over to the OPP; I have not yet had a report back on that.

On the question of legal access by the police to OHIP files, I am not too sure that I quite understand that question.

Mr. S. Smith: By way of clarification, it is my recollection that the Attorney General undertook to seek a legal opinion regarding under what conditions police could legally gain access to OHIP files, and what would constitute illegal access to such files; some clarification of the matter as it is at present. It seems to me he undertook to seek such an opinion. Does he have it; if so will he share it with the House?

Hon. Mr. McMurtry: I don't think the questions were asked in those terms. I think the questions were asked as to whether there had been any breach of the health insurance legislation by employees of OHIP or anyone else; and I think the questions were asked in relation to whether there would be any prosecutions or were any prosecutions warranted.

I have received a very lengthy opinion in respect to that matter. Although I think it is generally not a good practice for the Attorney General to table legal opinions from the senior law officers of the Crown because problems can arise, I think there are occasions on which there is a great deal of public interest, understandably so, in these opinions. I have a very lengthy opinion, Mr. Speaker, which I am prepared to table. I can take the time of the House in reading it, but it would be about 20 minutes to half an hour.

Mr. S. Smith: If the Attorney General would be kind enough to table it, I'd appreciate it.

Hon. Mr. McMurtry: I'd be prepared to do that right now, Mr. Speaker.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, I have a question of the Attorney General. This is a question regarding the case of bribery involving Melvin Kurtz and Marion Construction.

Since from last week's questioning it emerged there was enough evidence that both parties in this case had committed an illegality, and since this pattern was followed in five other cases, is the Attorney General now prepared to review this case?

Hon. Mr. McMurtry: Mr. Speaker, I have been asked several questions by the member opposite in relation to criminal charges that were laid in relation to the Waisberg inquiry where charges were laid three years ago. I have given, I think, quite a complete answer to the House, and I don't intend to deal with that matter any more. I think the questions have been satisfactorily answered as to what the decision of the Crown law office was three years ago in relation to laying those charges.

Mr. di Santo: I have a supplementary, Mr. Speaker.

Mr. Speaker: This has been discussed on two or three occasions in the past. We had a late show on it last week. The Attorney General at that time said he had nothing further to add. I didn't see any difference in his answer here today.

Mr. di Santo: On a point of privilege, Mr. Speaker.

Mr. Speaker: Your point of privilege?

Mr. di Santo: Since I have a new element to my previous question, I think it is my right to ask the Attorney General to answer me.

Mr. Speaker: It's your right to ask any question you want. It's the Attorney General's right to answer it in any way he deems proper.

Mr. Lewis: It's the Speaker's right to cut him off.

BOILER INSPECTION

Mr. Riddell: A question of the Minister of Consumer and Commercial Relations: Is it the intention of the Ontario government, through the Ministry of Consumer and Commercial Relations, to retain and strengthen its vital service for the inspection of boilers, pressure vessels and associated piping systems during fabrication; and for the approval and registration of manufacturers' new designs for boilers and pressure vessels; and for inspection of welding procedures and qualifications of welding operators?

Hon. Mr. Grossman: There is no question but that I am looking once again at the whole issue referred to by the member. We are far from reaching any conclusions, but yes, we are looking into the whole subject.

Mr. Gaunt: Supplementary: Is the minister aware that the industry generally seems to be prepared to pay much higher fees than the current \$20-per-hour in order to maintain this service, which they feel is quite vital to their industry?

Hon. Mr. Grossman: Yes, we are aware of the progress we have made in terms of seeing that potentially the government will be able to report on a better cost recovery for the program in the event we choose to continue it, but the simple fact that we may be able to make it indeed a profitable exercise, and one that is better for the taxpayers of the province, hasn't convinced us—

Mr. Kerrio: That will be a first.

Hon. Mr. Grossman: —that we shouldn't abandon looking into the question of whether or not that industry as well as others should be more self-regulating at this point in time.

I should reaffirm, having said that, that we are just looking into it. I have by no means recommended to my colleagues that we get out of the field; but it is fair to confirm what the rumours are about, and that is that we are looking into it once again. We will be pleased to receive the submissions of the industry affected so that they will

have full and complete input before it gets too far down the pipe. That sort of dialogue will be continuing over the next period of time. It is not urgent, but it is something we will be going into in the next few months.

Mr. Gaunt: Don't scrap it, it is a good service.

LAURENTIAN HOSPITAL BRIBERY INQUIRY

Mr. Martel: A question of the Attorney General: In view of the fact that J. P. Lebel was given and is serving a six-months sentence for accepting a bribe during the construction of Laurentian Hospital, can the Attorney General indicate whether or not the two officials who paid the bribe have, in fact, been tried yet; and if, in fact, they too have been sent to serve a little time in the "crowbar hotel"?

Mr. Germa: Or are they Tories?

Hon. Mr. McMurtry: Mr. Speaker, I don't know at this point who was charged in relation to this matter other than Mr. Lebel; or what occurred as a result if other changes have been laid.

Mr. Martel: Supplementary: Doesn't the minister believe that if an individual is charged with accepting a bribe and is sentenced that the person who pays the bribe, in fact, is as much committing an act against the law as the person who accepted the bribe? If so, then doesn't he insist that this individual should be brought to trial as well?

Hon. Mr. McMurtry: That can be the case; it depends on all of the circumstances. As I indicated in answer to a question that was asked by one of the member's colleagues, it depends on all of the circumstances. In respect to the Waisberg inquiry, I indicated what the criteria were that were applied by the Crown law office in that particular case, but it depends on all the circumstances as to whether charges will or will not be laid.

PETITION

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

Mr. Van Horne: Mr. Speaker, I beg leave to present a petition from the Ontario Public Service Employees Union bearing 569 signatures. This petition presents objections to the economic principle of cutting back on public sector jobs. Local 111 of the Ontario Public Service Employees Union has discussed this concern with the member for London Centre (Mr. Peterson) the member for London South (Mr. Walker) and myself, and it was mutually

agreed that I bring this petition to the attention of the Lieutenant Governor and the members of the Assembly on behalf of Local 111.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, I would like to give notice that I am not satisfied with the answer given to me by the Attorney General and I'd like to debate it at the late show.

REPORTS

SELECT COMMITTEE ON THE OMBUDSMAN

Mr. Davison from the select committee on the Ombudsman presented the committee's third report and requested that it be placed on the order paper for consideration, pursuant to provisional standing order 6.

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolutions:

Resolved: That supply in the following amount and to defray the expenses of the Office of the Ombudsman be granted to Her Majesty for the fiscal year ending March 31, 1978.

Office of the

Ombudsman program \$3,560,000

Resolved: That supply in the following supplementary amount and to defray the expenses of the Office of the Ombudsman be granted to Her Majesty for the fiscal year ending March 31, 1978:

Office of the

Ombudsman program \$633,500

Resolved: That supply in the following supplementary amount and to defray the expenses of the Office of the Assembly be granted to Her Majesty for the fiscal year ending March 31, 1978:

Office of the Assembly program \$3,347,600

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs leave to report the following bill without amendment:

Bill Pr9, An Act respecting the City of Sault Ste. Marie.

Your committee begs to report the following bills with certain amendments:

Bill Pr18, An Act respecting the City of Toronto.

Bill Pr29, An Act respecting the Township of East Zorra-Tavistock.

STANDING PROCEDURAL AFFAIRS COMMITTEE

Mr. Breaugh from the standing procedural affairs committee presented the committee's report which was read as follows and adopted:

Your committee has carefully examined the following applications for private Acts and finds the notices, as published in each case, sufficient:

Loubill Hobbies and Sports Limited;
Borough of Scarborough;
City of Thunder Bay.

ROYAL ASSENT

Mr. Speaker: I beg to inform the House that in the name of Her Majesty the Queen the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

Clerk of the House: The following are the titles of the bills to which Her Honour has assented:

Bill 91, An Act to amend The Assessment Act.

Bill 97, An Act respecting the Sandwich, Windsor and Amherstburg Railway.

Bill Pr5, An Act respecting the Village of Port McNicoll.

Bill Pr14, An Act respecting the City of Ottawa.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

PETTY TRESPASS AMENDMENT ACT

Mr. Eaton moved second reading of Bill 101, An Act to amend The Petty Trespass Act.

Mr. Eaton: In recent years farmers have been exhibiting a growing concern regarding property rights for owners of private land. It is for this reason that I introduced into this House two weeks ago a private bill to deal with petty trespassing.

I submit that the legal framework and otherwise must meet the needs of our time. I'm sure, Mr. Speaker, that members of this House can look back to a time when intruders on private property, especially poachers, were dealt with very harshly. I'm not saying we

should return to that kind of harsh treatment but we should have penalties that deal with poaching. We must establish a deterrent for those who abuse and violate the rights of other people's property.

At least 99 per cent of the land in southern Ontario is currently privately owned. It is the landowners who we are trying to protect in this bill. The purpose of this bill is to remove from requirements for petty trespass that land be enclosed or that land must be posted before one can be considered a trespasser. The proposed legislation places the onus on persons to ask permission to enter on another person's land and to increase the maximum fine to \$1,000 from the present \$100.

To many, my proposal to increase the maximum fine to \$1,000 may seem excessive but it is designed to act as a deterrent and to give the current legislation some teeth. Let me remind the hon. members of this House that the amount of this fine is still left to the discretion of a judge hearing the individual case.

The bill also removes from the property owner any liability to trespassers unless he deliberately, with intent, tries to do harm to a trespasser who might be involved. As the situation is now, this province's rural community is virtually powerless to stop trespassers. When police are called, farmers and landowners are told that charges must be laid under the Petty Trespass Act which means that the wronged landowner must lay charges himself and pay legal costs.

I think the farm leaders now feel, as they have in the past presented a number of proposals to the government, that action should be taken. I think they now feel, they have, in the past, had few court cases where a conviction could take place for trespassing on posted land.

May I quote from the November issue of *Farm and Country*.

"Over the past five years or so, the number of unpleasant hunting incidents has escalated to a point where many farmers, often themselves hunters, dread the advent of the deer, moose, goose and other hunting seasons. Arrivals from cities and towns, swarm across their land; crops are trampled; livestock shot and pet wildlife gunned down. Almost without exception, the marauders invade crop land and bush land without bothering to contact the owners for permission to go on that land.

"Ironically, a simple call to many of those farm owners would get them permission to go on the land. It's been estimated that in 95 per cent of all cases, bona fide sportsmen

are given approval to go on private property and cross land without reservation. After all, most of these polite visitors are members of the Ontario Federation and Anglers and Hunters and they produce identity cards and insurance slips freeing the farmer from all responsibility in the event of an accident."

However, the publication well points out that there are many rogue hunters, the ones who are trigger-happy and who refuse to abide by the strict code observed by many honourable sportsmen and who have no intention of keeping within the rule limits that may be applied to them. They respect no one's private property and feel that they can do as they please on lands in this province.

By asking permission, they would put themselves in a position of being able to be identified, which they don't want to be.

I'm critical not only of these rogue hunters who do this type of thing but of the pilferer, the one who stops alongside an orchard or a field of sweet corn and decides that they can get their provisions there. Recent examples of this kind of an incident can be found in many rural areas in the province, and especially in the fruit belt of Niagara region where posted signs have been ignored, torn down, with complete disregard for the private orchards in that area.

Granted, some of the thefts may be minor in nature. They may be a young person going in and stealing some apples, that sort of thing; but then there are incidents that are significant, and the fact that there are continuing incidents on the same property can amount to great loss to the producers.

In my riding, for example, I want to refer to an incident a constituent of mine had in his dealings with the law when he apprehended someone who was stealing apples—in fact he had a full bushel of them. He couldn't charge him as a trespasser, because although he had the land posted, the signs had been torn down. He had no fences around the property, because it's an orchard and why go to the cost of enclosing it.

This is the example: He charged him, took him to court for theft; I guess it would then be a criminal offence. I want to read from the letter.

"I am sending you a copy of this to show you the attitude towards such a charge. Our annual losses are in the neighbourhood of 1,000 to 1,500 bushels of apples per year."

A lot of incidents happen maybe where kids come in and you chase them out so it's not that great a problem, but listen to this: "Usually the police will come and pick

them up and we hear no more of the matter. When they are taken to court we have to prove their guilt and state the value of the apples at the time they were stolen. I have also had six charges dismissed. I think it's a bad reflection on our courts. Six charges dismissed because the judge said: 'I used to steal apples when I was a kid.'

Imagine a judge saying that on the bench. I would hope the Attorney General takes note of that one.

"I am writing this letter in the hope that somehow you can put an end to these tremendous losses and aggravations. If possible, an automatic fine for trespassing," and so on.

In this particular case the judge said: "I don't want this chap to have a criminal offence so what I am going to do is have him pay you back and write a letter of apology." I want to read that letter of apology.

"Dear Sir: One of the conditions for my discharge of your stupid charge was that I pay you \$4.28 for the approximate value of the bushel of apples. I have also generously enclosed a bonus of one cent to help make up your other losses due to other criminals like myself that help themselves to your apples. I hope your next season isn't as badly stricken with inconsiderate thieves as seems to have been the pattern." And then he says: "P.S. Praying for a frosty spring."

You know, I think the judge should have had enough sense to at least make that letter of apology come through him so he would know what kind of a response he was getting. And I would like to read into the record the name of the gentleman who signed that letter; G. Nevison of 85 Cove Road in London.

You know he got off very easy through the judge and then wrote a letter like that. That's the kind of regard that some people have for private property and other people's produce that they are stealing; this is just an indication. There's one example, and the man has 1,000 to 1,500 like that in a year, of people coming on to his property and taking his produce.

I think this is the kind of example we need to provide some teeth, so that a person can protect his private property, he can charge that person for trespassing. The alleged trespasser wouldn't have any criminal record over it, but he could be subject to a reasonable and decent fine; and he would have some recourse, by having the property owner have to go into court and prove that person didn't have any permission to be on his property.

Mr. Speaker, the province's Motorized Snow Vehicles Act was designed to overcome many of the problems, but of course that legislation was limited to snowmobiles only. My legislation, if approved by this House, follows the thinking of the snowmobile legislation, which has worked very well with our people involved in the snowmobile sport. They have been able to get permission as clubs; they have been able to go across trails. And, I tell you, the complaints since that legislation have dropped off completely. It has made a much better relationship between those clubs and the community.

I think the fines that have been in there are wholly unrealistic and for that reason I have recommended that the maximum be increased to \$1,000. Hopefully, the judges would make use of those penalties.

I want to refer to some other correspondence that I have had, much in support of this bill going ahead, including a letter from the Fund for Animals Incorporated. I think many of the members have received that letter, indicating a strong support for the legislation being passed, and citing further examples of some of the disregard for private property.

Another letter, from Richards Landing, Ontario, asks that all MPPs support this legislation and points out the kind of problems that they have had. I think this is interesting, because I know we are going to hear about the night hunters. One gentleman lost calves because the cows aborted when chased by the hounds running across his land; they were chasing coons in the night. I think this complaint is something to be considered.

A further letter, from the Ontario Secondary School Headmasters Council, points out how this legislation could be used for their purposes in protecting school property and to put some teeth into the Trespass Act for them, on which they have, on occasion, had to rely when charging people.

I have a number of further letters but I won't go into them all because there is quite a considerable pile of them.

I do want to refer, however, to the letter that came in from the only group that is really opposed to it: the Grey-Bruce Night Hunters Association of Owen Sound. They point out that they support many aspects of the bill, except for the written permission. But the key to the whole bill is having written permission to go on someone else's private property. This association points out how responsible it is, and that they are good sportsmen. They want to co-operate with the people in their area. Well, if they really want to co-operate, all they have to do is go through the

area when they are not in the hunting season, make arrangements with the property owners, and get permission.

I assure you that there is no intent in this bill whatsoever to stop the legitimate sportsman, the legitimate hunter, from going out in the country and having a good time. It is only to make him responsible to those people who own the property. They point out that they feel there are no problems in their area, and I think my colleague from Wellington-Dufferin-Peel (Mr. Johnson), who lives close to that area, will have something to say in that regard.

So, Mr. Speaker, there is strong support for this bill. I think it will be of service to the people who need protection for their private rights and for the land they own in this province. All the outdoor recreation that has gone on can still go on. It can go on with co-operation. And those who are breaking the law, those who are causing the problems, can be dealt with by force. I urge the members of this House to support this legislation.

Mr. Deputy Speaker: I would ask the member for Middlesex, does he care to reserve the balance of his time?

Mr. Eaton: Yes. How much is there?

Mr. Deputy Speaker: Six minutes.

Mr. Riddell: I rise to support Bill 101, An Act to amend the Petty Trespass Act. I would just like to say that it is gratifying to know that some of our curiously archaic laws are in the process of being amended. One not only has to look at the liquor laws in this province to understand the antiquated performance of this government; but other laws, particularly the Petty Trespass Act, are as outdated as the horse and buggy. Under the existing Act, all land in Ontario is virtually open to the use of public unless it is enclosed or is a garden or farm or bears no trespassing posters or signboards so placed as to be visible from every point of access to the land.

[3:30]

This law as it now stands protects city and town dwellers very nicely, but it makes available to the public the farmer's fields and woods unless he goes to the trouble and expense of posting signs to the contrary. Signs are costly and unsightly. They have to be posted so that they are clearly visible from all angles, but also high enough so that they cannot be torn down.

Despite the locations of the signs, they are subject to damage or removal by whatever means and the property then becomes open to the public, including those who stole the signs. All farmers have horror stories of

trespassers making free with their property: Domestic ducks and geese are shot; cattle and other livestock are wounded or killed; fences are cut; gates are left open and garbage is strewn around the fields, including bottles, which play havoc with the tires of the farm vehicles which pass over the land.

Under the Act, hunters are free to use the farmer's land unless they hunt in packs of more than 12, and only then do they have to obtain permission. When the Act was drafted, no doubt most of Ontario was unoccupied land and an important source of food supply. Now virtually all the province is under ownership of one kind or another.

Mr. Foulds: Not so.

Mr. Nixon: We're talking about arable land. Those beautiful rocks and trees of the north are different.

Mr. Foulds: That's true.

Mr. Riddell: The forest is no longer a source of food, yet this outdated law still dominates the rural areas of Ontario. In the fall, the farmer has to become almost a vigilante to protect his property and the life upon it. The police advise that if farmers hear shooting to call either them or the Ministry of Natural Resources and to record the licence numbers of any vehicles parked nearby. Even then the trespasser cannot be convicted. Where the person trespassing acted under a fair and reasonable supposition he had a right to trespass, which opens up an even wider gap in the field, the penalty is a fine of not under \$10 and not over \$100.

With the advent of the snowmobile the province has taken a different view. Under the Motorized Snow Vehicles Act, 1974, snowmobilers must obtain written permission before opening trails over a farmer's field. In their own best interest, snowmobile clubs try to police their own trails, repairing any damage the members might do. But once the trail is open, all kinds of people use it, lawfully or otherwise, and do so at all hours of the day and night.

The time has long since passed when rural Ontario should provide a playground for the province. There is enough publicly owned land so that snowmobile trails can be opened and hunting areas designated. The farmers have had many occasions to become militant but, being people of great wisdom and good judgement, they bring their concerns to the attention of the farm organizations which represent them. As a result of discussion at federation meetings, the Ontario Federation of Agriculture submitted a brief to the Attorney General on the subject of trespass and farmers' liability.

This prompted the member for Middlesex (Mr. Eaton) to introduce a bill which places the onus on persons to ask permission to enter another person's land and increases the maximum fine to \$1,000 from the present \$100. It removes the requirement from the Act that land be enclosed or that land be posted before one can be considered a trespasser. It removes liability from a property owner for trespassers unless deliberate intent to do harm to the trespasser is involved.

I'm a little surprised that a private member's bill had to be introduced to amend the Act. As far back as December, 1976, I wrote a letter and directed it to the Attorney General's office asking that the Act be brought under review and amended. I received a reply from Mr. Scott McAuley of the Ministry of the Attorney General, dated February 14, 1977. He indicates that: "After reviewing the material, it is apparent that Mr. Booth's concern"—and the letter originally went to Mr. Booth—"is with apparent deficiencies in the Ontario Petty Trespass Act. In view of those apparent deficiencies in the Act he would, I take it, like to see some kind of legislative reform. Accordingly I have taken the liberty of forwarding those materials to Archie Campbell, senior crown counsel."

The letter got into the hands of a Stephen Fram, counsel, policy development division of the Ministry of the Attorney General. He says:

"Dear Mr. Riddell: Your inquiry with respect to the Petty Trespass Act has been forwarded to the policy development division of this ministry and I have been asked to reply.

"An intensive examination of the law and issues related to both the liability of occupiers of land to entrance on to their premises and the rights of occupiers against trespassers is underway within the ministry. The problems of such occupiers are being addressed, and hopefully some relevant legal reform will result."

That was back in March 1977. The Attorney General still did not introduce any amendments to the Act. I don't know why he is sitting back to have a private member introduce this bill, but here we have it.

The amendments to the Petty Trespass Act are supportable, admitting that there are those individuals who do have some reservations about the clause, which would require that every person who unlawfully enters or in any other way trespasses upon another person's land must obtain written permission.

Some of the anglers and hunters feel that this is unduly harsh particularly in the northern part of the province where bound-

aries are obscure and where the owner of such property cannot be located. I received today a letter from the Ontario Federation of Anglers and Hunters, and I would just like to quote from the third paragraph of that letter:

"To insist on written permission from the landowner before entry can be made on land whether posted or otherwise, we find this change to be completely unacceptable. No doubt in Mr. Eaton's riding, land may be clearly defined and landowners easy to locate. However, in the majority of Ontario this is not the case. Witness eastern Ontario, northern Ontario, the areas around Georgian Bay, the areas north of Highway 7 in central Ontario, and many others. In these areas one often cannot tell where property lines are. Often the landowners are non-resident. Even more often the landowner doesn't care if his land is used and doesn't want people bothering him for written permission. Bill 101 just will not work for these areas unless the land is posted.

"When we questioned Mr. Eaton about this particular aspect of the bill, Mr. Eaton suggested that landowners in these areas likely wouldn't lay charges so we shouldn't worry about it. In other words the public could break the law, but not worry about it unless they were caught or charges laid,"—

Mr. Kerrio: That is hard to believe.

Mr. Riddell:—"hardly a suitable ethic for an honest public to follow." I really think that statement, coming from a legislator, is highly irresponsible.

Mr. Eaton: That wasn't quite the way it was stated.

Mr. Swart: I believe the anglers and the hunters.

Mr. Riddell: Let me tell you this, I really don't think that it would be too difficult for anglers or hunters or any other trespassers to get written permission, even though they got it months before they ever intended to travel on that land to hunt. The chances are they are in northern Ontario on many occasions and they have to simply look up the owner and get his permission in order to trespass on that land, indicating to him that they will be probably on his land at a certain time.

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Riddell: I'll just finish off. Once he receives that permission, then he is acting within the law. So I would have to support the bill as it is written, all aspects of it.

Mr. Wildman: Mr. Speaker, I rise in support of this bill, although I must say I regret what I consider to be the necessity of this amendment to the Petty Trespass Act. I have some grave reservations, however, about certain sections of the bill which were referred to by the previous speaker. He discounted some very important points raised by the Federation of Anglers and Hunters.

I support the bill because of the fact that land-owners, especially farmers in the rural areas of the province, including my own riding, have found a great deal of problems with people who perhaps haven't grown up in the country or aren't from the country. These people don't really understand some of the problems faced by rural dwellers or by farmers.

Also, I suppose with the legislation as it stands today, unamended, some people discount the possibility of a small fine, especially when it is difficult to be convicted. So I support the principle of the bill. However, as I said, I have some grave reservations about certain sections of the bill as it is presented.

Mr. Samis: Only two Tories in the House.

Mr. Kerrio: Only two?

Mr. Wildman: I have had contact from a number of people in my riding in regard to this legislation. I have received the material that has been referred to by the two previous speakers as well. Beef producers in my riding are quite concerned about the fact that—

Mr. Kerrio: Free vote on this one?

Mr. Samis: We'll see.

Mr. Kerrio: That's a switch.

Mr. Wildman: I am sure, Mr. Speaker, that all private members' bills involve free votes.

Mr. Samis: On one side only.

Mr. Wildman: However, the beef producers in my area have had some difficulty with loss of livestock during hunting season. Other farmers have had their crops trampled, as was referred to by one of the previous speakers. In that sense, I feel some change in the legislation is required.

However, I want to point out, that the people we are talking about, the ones that are involved in wilful trespass and wilful damage, are certainly not the responsible hunters. The people who go out into the bush and the countryside during hunting season each year are well trained with firearms and know exactly what they are doing. In most cases they respect the property that they are crossing and they ensure that they don't

damage property. We are dealing with what I hope, and I am sure, is a minority of people but who have caused some serious problems for the farm community.

One of the basic questions I have about the Act as it stands is, is the section which is deleting the requirement for fencing or enclosure and posting. Now I know that the Federation of Agriculture that supports the intent of the legislation, as I do, has indicated that it is very expensive to fence land and in many cases farm techniques today don't require it. That is certainly true. But I want to emphasize what the letter from the Federation of Anglers and Hunters has pointed out, that in northern Ontario, at least where I come from, there are very large tracts of Crown land.

Mr. Eaton: That is not covered, the Crown lands.

Mr. Wildman: I know but the problem is the hunter may be on Crown land. He may be going through the bush, come to a clearing—and if it isn't posted in some way, he doesn't know if this clearing is Crown land or private property—and he may cross that property thinking it is still Crown land and be in violation of this Act as it stands. That is a serious problem. I know it is not a problem in relation to beef producers, obviously most of the land they are using, certainly the land they are using for grazing, will be fenced; and it is probably not a problem in southern Ontario where there probably is very little Crown land and most land is probably fenced and there is demarcation.

However, I think if we are going to assist the farmer and the rural dweller by amending this Act, it should be incumbent upon them to at least post land and indicate that it is private property. The bill as it stands, if it does pass, requires them to get permission in order to cross that piece of property. I don't think that's incompatible with the principle of the bill. If this bill passes second reading, I would be introducing an amendment at committee stage to indicate that I feel, as has been suggested in this letter by the Ontario Federation of Anglers and Hunters, that land should be posted.

For that matter, one of the main problems I've had mentioned to me by beef producers in my area about people who cross their land without permission is that they damage fences. It's not that they don't want the area unenclosed or that they want to be able to keep people from crossing unenclosed land, but the fact is some very irresponsible people actually cut fences.

I know that is covered by the new Motorized Snow Vehicles Act covering snowmobiles,

but some people are irresponsible enough and probably misunderstand the rural life so much that they cut fences and feel these things are encumbrances to them. They don't care about the person who put up the fence. Besides the very expensive proposition of repairing fences, there is another very serious problem. If cattle get out and onto a public roadway and someone comes along, hits a cow and damages his car, then the farmer is responsible. For that reason, I think I must support this bill, but I don't think it's incompatible with it to say we should have posting. I believe we should.

I want to point out there are individuals, other than farmers in my riding or the Ontario Federation of Agriculture, who support this bill or at least have indicated they are in favour of changes, probably because they feel very few hunters would be convicted anyway because they would hope most would respect the law.

At any rate, I refer to an article in *Farm and Country* in November that quoted J. A. Shannon, director of the wildlife services section in the Ministry of Natural Resources, who indicated the ministry is most concerned about the destruction on farms. He says people who do this are not real hunters but criminals and should be treated as criminals. When I see the destruction of livestock and fences, I have to agree with that sentiment. It's certainly true that at least the Ministry of Natural Resources supports the change in the law.

I also want to point out that quoted in that same article is Rick Morgan, executive director of the Ontario Federation of Anglers and Hunters. He says his organization would favour "anything to make the lunatics clean up their act." He says the federation has been fighting for good hunting conduct for years. He is very concerned about the damages done on farms and in the rural community over the years by irresponsible hunters.

I understand the federation probably does not represent significant numbers of hunters. I think it's important to realize that is an organization of very responsible people who want to protect their sport but at the same time don't want to hurt others. It's significant they would support the legislation. He indicates hunters would welcome a government move—we don't have a government move but we've got a private member's move here which I suppose he would support as well—putting trespass on the same basis as the snowmobile trespass legislation calling for written permission to cross land.

I support this because it does follow through with the snowmobile legislation and

it does increase the fine substantially. I think we must do this. I want to point out just in closing that in areas like the north where we have large expanses of Crown land we do have a tradition where hunters are not allowed to trespass on Indian reserves.

Mr. Deputy Speaker: The member's time has expired.

Mr. Wildman: Indian reserves have never had any difficulty in posting and saying that it's Indian land and there should be no trespassing. I think this is good legislation as it is but we should deal with the question of posting. I would support the principle but try to amend it at committee stage.

Mr. Johnson: Mr. Speaker, in rising to support Bill 101, An Act to amend the Petty Trespass Act, it is my hope and the hope of my colleague from Middlesex to rectify a situation which has caused considerable concern among rural property holders. I'm certain that every member in this Legislature is aware of the problems facing owners and occupiers of rural lands with respect to property rights.

During the past few decades, increased demand for more recreational land from a larger and more mobile public has increased the incidence of trespass on rural properties. This has resulted in damage to property, equipment and livestock. In some instances, it has also resulted in accidents to those trespassers unfamiliar with the land and farm equipment and sometimes, illness to those unaware of the chemicals used to protect crops in the normal day to day operation of the farm.

The purpose of this bill is to rectify this situation by removing from the Petty Trespass Act, the stipulation which requires that land be enclosed or posted before an intruder can be charged with trespassing.

Enclosing and posting, as I'm certain all members are aware, are costly processes. Often posted signs are destroyed and need to be replaced. With the current trend towards expanding single-farm operations by adding two or three farms to the operation, often located at a distance from the central farm, enclosing is not always feasible.

This legislation, when passed, will alleviate this problem by placing the onus upon the person wishing to use the land to obtain permission from the owner or occupier of that land.

I might also add that members of the Ontario Federation of Anglers and Hunters who produce identity cards and insurance slips freeing the owner from liability generally report that permission is granted. In its present form the Petty Trespass Act leaves the property owner or occupier almost powerless to

prevent intruders from trespassing upon his land. When authorities are called, the landowner is informed that he himself must lay charges and also absorb the legal costs in doing so.

The current feeling among farmers is that the courts are reluctant to convict under this Act whether the land is enclosed or posted. It is for this reason that we're recommending that the fine for conviction under this Act be raised to a maximum of \$1,000. This would provide a greater impetus on the part of the law enforcement agencies to convict under the Act.

The proposed amendment to the Petty Trespass Act contained in Bill 101 would also relieve the farmer of liability, should an accident occur to a trespasser on his property, unless there was a deliberate attempt made to cause injury to the transgressor. I believe this liability section is one of the most important in the bill.

The proposed amendments contained in this bill would be welcomed by the farming community. I'd like to read from an article in the Mount Forest Confederate dated November 23:

"Ontario Federation of Agriculture president Peter Hannam thinks the bill to amend the Petty Trespass Act is just great. 'I'm delighted to see the bill in there,' said Mr. Hannam. 'It's long overdue and badly needed.'

"Mr. Hannon explained that in his opinion the new bill should contain two main elements in order to make it effective. First, the whole concept of 'trespass', as it stands now, be turned around so that the onus is on the trespasser to prove that he has permission.

"The second point that must be in the new bill is 'a change in liability.' As it stands now, the landowner can be liable for injuries sustained by a trespasser while trespassing."

This bill satisfies both concerns.

I have also received a letter from the Grey Federation of Agriculture endorsing the bill and I can understand and appreciate their concerns.

At this time I would like to draw the members' attention to a letter I assume we all received. It's the letter referred to earlier by my colleague from Middlesex from the Grey-Bruce Night Hunters. I won't go into all of it, but I would like to cite a few paragraphs.

One, they don't think this is a matter for provincial legislation, but should be a matter for each township concerned. "Certainly some townships have had problems. Those problem townships have generally been those close to large urban development. The counties of

Grey and Bruce have not had these problems to any extent as of yet."

This is not true. I cannot speak for Bruce but Grey does have a problem and a very serious problem, examples of which I will refer to in a minute.

However, I am pleased to see that this association does support two other main points of this bill. One, the increase of the penalty to a maximum of \$1,000, they endorse. The other, they support making the landowner not liable for accidents on his property but to place the onus on the trespasser. We agree wholeheartedly with this proposal. So they agree with two out of three.

They are reluctant to support the point on written permission. The majority of hunters show regard for the property of others and display a common courtesy of asking permission to use a farmer's land. In fact, I believe it states right in the hunting licence that you do have to have permission. It doesn't say written permission, but you should have permission to hunt.

The problem is that we have heard too often of rogue hunters who do not ask for permission and destroy property and practically do what they want on private land. This is one of the concerns. These people have done a great deal of damage to the reputation of hunters in general and bring an atmosphere of concern over the farming community as the hunting season approaches. Recent articles in Farm and Country brought this point home all too well, as they described the cases of some farmers who suffer damage to crops and livestock because of the weakness of this Petty Trespass Act. One such case pointed to an instance where a flock of wild Canadian geese were butchered from a flock of 200 down to some 28, despite the fact they were on posted property. This act occurred in Holstein in Grey county, just a few miles from my home in Mount Forest on a farm owned by personal friends, Jim and John Calder. The trespassers not only slaughtered Calder's tame geese but they also butchered their tame deer Buckey, and the following story appeared in Farm and Country, Tuesday, November 15:

"A completely tame deer, Buckey, was shot by a trespasser. To get at him, a poacher cut away an eight foot high fence, drove the frightened animal into the open and then blasted it with a 16 gauge shotgun. This is not the first deer killed in the Calder enclosure but the 13th. Others had been shot from the road and then left to die."

It is a situation such as this that amendments to the Petty Trespass Act are intended

to remedy. The changes in this Act, however, will not prevent cases such as this from occurring in the future. Unfortunately there will always be those who do not have regard for private property among us. In these cases the property user will have redress under the law to an extent which reflects the times. As the times change, and they are changing, we in the House have a responsibility to assure our laws keep pace with them. The member for Huron-Middlesex (Mr. Riddell) mentioned this earlier and I agree with him.

I have one final point to make. I believe the amendments to the Petty Trespass Act are also in the interests of the public. While it is only common courtesy to obtain permission to use someone else's land, many do not. In protecting property rights, we are protecting a right which is fundamental to our basic way of life. It is a value which I also think we sometimes take for granted. Let us protect that right. I urge all member of this Legislature to let this bill go to third reading and be passed into law today, not tomorrow or some distant time.

[4:00]

Mr. Samis: Four Tories in the House.

Mr. Swart: No, there's quite a lot of them down there.

Mr. McKessock: It is a pleasure for me to rise and speak in favour of the principle of Bill 101, An Act to amend the Petty Trespass Act.

Legislation to change the Petty Trespass Act is long overdue, and I congratulate the member for bringing it forth. The amount of the fine for illegal trespassing is to change from \$100 to up to \$1,000. This is needed to give the judges something to work on for repeat offences. Too many of our fines are too low and serve only as a fee to break the law, rather than a fine or a deterrent to ward off future convictions.

The liability is to be taken off the landowner for any accidents that might occur to the person walking on his land, except in the case of a deliberate intent to harm the trespasser. This change is very important, because there is no way a landowner should be responsible for accidents incurred by a trespasser, whether he has permission to enter the property or not. Section 2 of the bill, amending section 6 of the Act, is not too clear, for it states: "An occupier of land owes no duty of care toward a person who is a trespasser . . ." The dictionary says trespass means "to enter unlawfully upon the land of another." I suggest this part of section 6 should be changed to read, "The occupier of land owes no duty of care toward a person

who is on his land, either with or without permission."

If the landowner is going to be liable for the people he gives permission to, you can be sure that nobody is going to get permission. Therefore, in section 2 of the bill "with or without permission" must be placed after the word "trespasser," which appears three times in section 6.

Now we come to the final and most contentious part of the bill. That is where it states in section 1, subsection 1(1) that you must have written permission to trespass upon another person's land. As a landowner and a farmer myself, I have thought that this would be reasonable, although I, and my father and my grandfather before me have never had any trouble with trespassers, hunters, or fishermen; nor have we ever posted or tried to keep people off our land. We also have always owned good fishing and hunting grounds, with a branch of the Big Head River flowing through our farm.

Some people used to say to my grandfather, "Why don't you put up 'No Fishing' signs?" He would say, "Let them find out for themselves." Of course, Natural Resources wasn't too good at stocking fish in those days, either.

I believe things are much worse today than they were a few years ago, but it is the same old story, a few spoil it for the rest. There are a few people who cause trouble. This is why a bill like this comes about. If people would respect private property, keep gates closed and latched, leave fences intact, take their garbage home with them, and realize it is a privilege to be on someone else's land and not a right, legislation like this would not be necessary.

I feel there must be some provision in this bill to enforce written permission for trespassers. But, as I look at the situation, and taking Ontario as a whole, I feel it would be unworkable and unnecessary to have blanket written permission right across the province.

I have discussed this issue with a large number of people. I have had numerous calls, telegrams and letters pertaining to the bill. I know the farmers, the Ontario Federation of Agriculture and I have been pushing for legislation to amend the Petty Trespass Act for years, and I am glad it has finally arrived.

I find there are certain pockets of the counties where trouble from trespassers arises. I feel that these areas or any area that wants to should be allowed to enforce written permission. Being a firm believer in local autonomy, I feel each municipality or township should be allowed to pass a bylaw to make it

compulsory to have written permission within its boundaries, enforceable by the same enforcement people who would enforce it if it was across the province. This would allow the trouble areas to have the effect of this bill as it stands, and would allow the other areas to remain as they are, except for the fine being raised and the liability being removed from the landowner.

I would like to point out a few reasons why we should not have written permissions right across the province that have been brought to my attention.

It would be impossible to enforce right across the province and would make law-breakers out of a lot of our citizens. In the good farming areas of the south where it is fairly easy to tell when you leave one property and enter another it would not be difficult to obtain written permission. In Grey and Bruce it is a little more difficult because there are areas of bush and rough land. In northern Ontario it becomes an impossibility to determine where the boundary lines are and who owns the land. A person could be nabbed for a \$1,000 fine and not have a clue whose land he was on.

Mr. Wildman: Unless it's an Indian reserve; they are posted.

Mr. McKessock: Written permission would cut the number of hunters down drastically because farmers and landowners would not give permission, especially if this bill was to pass in its present form where it states their liability is only removed from trespassers. Once you give written permission, he or she isn't a trespasser any more and according to this bill as it now stands, then you would again be liable.

I know I might give verbal permission today but tomorrow my cows could be calving in the fields and I don't want to give any permission. If I give written permission, I'd have no control over tomorrow.

Mr. Eaton: Give them written permission for one day.

Mr. McKessock: With written permission necessary, associations such as the Grey-Bruce Night Hunters Association would be finished. They have coon dog trials every fall in Owen Sound. This brings tourists and competitors from all over Ontario and the United States. They go out in groups of four and cover a large area of Grey and Bruce. It would be impossible for them to complete the task of trying to determine every property they would be on and contact the owners. This is a good club—mostly landowners themselves—and they do no harm. This is their sport, exercise, and en-

tertainment which helps them enjoy life and cope with today's problems. This group also assists many area corn growers, who call on them at night to run the coons from the corn fields until they get the corn harvested.

With the number of hunters cut down, the groundhogs, coons, and wolves would get out of hand. I believe we now have more groundhogs in Ontario than people. Much damage is caused to machinery that falls into groundhog holes in the fields at harvest time. The coons are a continual plague to the corn fields. The wolves in our area and the bear up north are a menace to the sheep and cow-calf farmer.

I realize the requirement for written permission across the province would put an almost instant end to the Bruce Trail. Some landowners would no doubt think this is right. Most farmers and landowners, however, don't mind people hiking across their land or having a picnic as long as they respect the property.

Mr. Speaker, this legislation is badly needed. I urge all members to support this Bill 101 in principle at second reading. The member for Algoma has indicated he will be amending the bill in committee; I will also present three amendments in committee.

In section 1 of the bill, in reference to section 1(1) of the Act, the words "or in any other way trespasses" and the words "without written permission" would be deleted.

The second amendment: Add to section 1 of the bill, amending section 1 of the Act, a new subsection, 3: "Any township or municipality will have the right to pass a bylaw to make it compulsory to have written permission from the landowners while trespassing on such property when within the boundaries of said township or municipality."

The third amendment is to section 2(6): Add after the word "trespasser" the words "with or without permission." This will take the liability off the landowners, even though he has given the person permission to enter his property.

Mr. Foulds: I am beginning to think I hear a recurring refrain in the debate this afternoon that we should have a little chorus from "Oklahoma!": "Why can't the farmer and the cowman be friends?" adapted to "Why can't the farmer and the hunter be friends?" I was going to ask my colleague from Brantford to give a rendition of that.

Mr. Makarchuk: ACTRA would prohibit it.

Mr. Foulds: The argument today, unfortunately, has centred around the two in-

terest groups the bill affects, rather than speaking to the principle of the bill. I would like to say that I agree with the objective the member wishes to achieve and the problem that he diagnoses. But I will be voting against the bill because the bill, in my view, does not achieve the precise purpose he wants and it has too many other ramifications in terms of civil liberties that bother me.

Mr. Makarchuk: They are using a shot-gun when a .22 will do.

Mr. Foulds: Precisely.

Mr. Riddell: Isn't Rainy River in northern Ontario?

Mr. Foulds: Yes, indeed it is.

Mr. Riddell: And they support it holus-bolus.

Mr. Foulds: And Rainy River is the smallest district in northern Ontario. And it is not Rainy River as such that supports it holus-bolus, it is the Ontario Federation of Agriculture. As I said, I can understand the concern of the farming community and that is what the member is speaking to.

If the member would permit me, I would like to give him examples of a couple of bad results of this particular drafting. In fact, they have been touched upon by the previous speaker, but the amendment that the previous speaker in fact proposes destroyed the principle of this bill as it is designed, and I think he should have the fortitude to vote against it. Voting for it and then proposing those amendments, destroys this particular bill.

Mr. McKessock: What are you talking about?

Mr. Foulds: There are a couple of problems. Unfortunately what this bill would do, in my view, is that any person who by sheer accident could stray onto land that wasn't posted or identified in any way as being private land, could, especially in northern Ontario, be charged under the Act and could be hit with a \$1,000 fine.

Mr. Eaton: Who should have the burden?

Mr. Foulds: Indeed, it could happen. And I think that is a bad principle to put into law. What I would suggest is that the member should have brought in a bill that was a bill to protect legitimate and established and occupied private land. That is the tack that I think he should have taken instead of trying to amend the outdated Petty Trespass Act.

It also means that a person who by sheer necessity, either through injury or being stuck in a storm, passes across private land

to get help could be charged because he doesn't have that written permission. And if you happen to have stumbled across a particularly obstreperous person in seeking that help, it could happen under this Act; and if charged, the judge is not given discretion to dismiss that charge, because there are no mitigating reasons put in the bill. Under the terms of the bill as the member has drafted it, and because he has excluded the protective sections in the original Act, that person has no protection. For that reason I oppose the bill.

I would like to clear up a misconception, Mr. Speaker. Most of the speakers today have been from southern Ontario and have indicated that most of the land in the province is privately owned. I would like to remind them that most of the land is in northern Ontario; 58.9 per cent of it is in northwestern Ontario alone and most of that is Crown land and not affected by the bill.

Mr. Sterling: What about eastern?

Mr. Foulds: But there are large tracts of privately-owned land that are unidentified and unused. Under the terms of this bill a hunter who, for example, shoots a deer or moose on Crown land, wounds it and chases it into private land could be charged under the Act; and that seems to me to be a very bad principle because that is the humanitarian thing to do; it would be inhuman for a hunter not to chase a wounded animal and finally kill it and retrieve it. If he did so, and that animal happened to wander on to private land, in this Act he could be charged and fined \$1,000.

[4:15]

Mr. Riddell: You are indicating that Ontario people aren't humane. Who is going to charge them \$1,000 for going on that land?

Mr. Foulds: I am not referring to the humanity or the intention, I am pointing out what the bill does in law—and as legislators that is what we should be speaking to. I am afraid that far too often we forget that.

One of the unfortunate side effects of this bill as drawn is that it could effectively close the Bruce Trail to any individual who does not belong to the Bruce Trail Association. Such an individual would have to write to every single private landowner who owns land along the Bruce Trail or any other footpath in southern Ontario to get permission to traverse it. That seems to me to need serious consideration and revision, because I am sure that it is not the intention of the member or the intention of this Legislature to close the Bruce Trail, but if we vote for this bill that is, in effect, what we are doing.

The other example I would like to mention is one that was drawn to my attention by my colleague from Brantford. He pointed out that there is a spit of land called Long Point on Lake Erie near Port Dover that is privately owned by a corporation but seldom used. That spit of land is used for recreational purposes and for transportation purposes to get to recreational land by many residents and people in the area, including constituents of the hon. member whose bill we are debating. They could be charged under this Act for using that land. It is my understanding there is a sort of common consent in the area that that piece of property, which is seldom used by the private corporation for its own benefit—

Mr. Makarchuk: They take Leo out for duck hunting occasionally.

Mr. Foulds: —is considered generally as part of the package of recreational facilities available to the public generally in that area.

Mr. Riddell: If he is no more effective there than he is in the Legislature then the ducks are safe.

Mr. Foulds: If I might just digress—out there he uses a shotgun; here he has to use a .22, and he can't do that.

I would simply like to point out that these reservations in my view are so severe that I feel compelled to vote against the bill on second reading. However, I would appreciate the member giving the problem some thought and perhaps attacking it from a different angle. Maybe he could bring in legislation or suggest to his own Attorney General that he bring in legislation to protect the privately owned property that is in use and to which the damages and the severe hardship that he has outlined occur.

I think the problem should possibly be attacked from a different angle. We should, as intermediate steps, enforce the hunting laws and regulations that we already have, and I think that we should amend hunting regulations so that if a hunter knowingly is going to use a piece of private property the idea of getting written permission should be compulsory. No question about that in my view.

Mr. Eaton: I appreciate the remarks that have been made by a number of the members in regard to this bill. The written permission particularly, I think, is essential to the bill, because the posting of land does not do the job, I could have it posted here, I could have it posted there and the person goes in between and they say in court when you charge them with trespassing they didn't see the signs. You've got no grounds whatsoever. The judges throw them out of court.

So the amendment being proposed by the member for Algoma, as far as the posting of property is concerned, would not serve the purpose. It is there now and it's just not working. It's just not giving any effectiveness to the legislation whatsoever.

Mr. Kerrio: Typical Tory overkill. He's learning.

Mr. Eaton: That's like asking every day about that pipeline over there.

Mr. Kerrio: That's all right. I'm going to hang in there until it happens.

Mr. Eaton: The written permission, I think, is very essential but I do see the problem raised by the member for Port Arthur. I think something could be done on that. "Written permission if required by the landowner," perhaps, although it would leave a person in much doubt as to whether this piece of land requires written permission or the next.

Mr. McClellan: You are in trouble on this bill. Withdraw the bill.

Mr. Eaton: That's the same problem that would be created by the proposal of the member for Grey when he says that we leave it to every township whether they pass that bylaw or not. You go from one township to the next and you don't know if you need written permission in this township or the next township or the one after. So it leaves it very much in doubt when you do that. I think that having it on a province-wide basis, it at least makes it standard. Then persons know that if they're going to go on someone else's property, they've got to have permission in writing from the person who owns that property.

Mr. Kerrio: What about your neighbour having a beer with you, Bob?

Mr. Eaton: I know it's going to create some problems, yet I don't agree with the sort of proposal that was put forth by the member for Port Arthur, that you could end up getting a \$1,000 fine. Judges are reasonable. In fact, they're too reasonable to the guy who's the offender. Just look at what I read into the record the last time I was up.

Mr. Cunningham: They should be elected.

Mr. Eaton: Look at the incidents. The person can go in, they can take your property; the judge says, "I stole apples so I'm not going to charge him." How ridiculous.

Mr. Kerrio: That's your judges.

Mr. Eaton: At the same time, I think they would be reasonable enough that they're not going to fine them \$1,000 if they accidentally go across land. I believe in northern Ontario they have some rights, if they're lost up there,

to go into private property for their own protection from weather conditions or whatever it might be and they wouldn't be charged with trespassing. So I think that protection is there.

I think we're going to get support from many of the members for this legislation to proceed to the committee.

Mr. McClellan: Control it through the hunting regulations. That's what you should do.

Mr. Eaton: I would hope that some of the proposals that are put forth in there would certainly not be supported.

I do agree with the proposal from the member for Grey. It was an oversight. We left a couple of words out of there in giving liability protection to the farmer who has someone on by permission or without permission, and that should be in there. I would certainly agree to that amendment. In fact I was going to propose it myself.

Mr. McClellan: Withdraw the bill.

Mr. Eaton: I hope that when we come to the vote we'll have good support for this and that we can deal with some of the changes to make the legislation work in committee.

BRIBERY CASE

Mr. Speaker: Before we get into the second balloted item, I want to notify the House that pursuant to standing order 28, the member for Downsview (Mr. di Santo) has given notice of his dissatisfaction with the answer to a question by the Attorney General. This will be debated at 10:30 tonight.

Mr. Kerrio: Who's he going to debate with?

Mr. Cunningham: We'll all be here.

ONTARIO COMMISSION ON WASTE MANAGEMENT AND RESOURCE RECOVERY SYSTEMS ACT

Mr. Cunningham moved second reading of Bill 105, An Act to establish the Ontario Commission on Waste Management and Resource Recovery Systems.

Mr. Cunningham: I must say I'm not much of a gambler but I did participate in this recent lottery that we had and I was fortunate enough to draw the 14th position, I believe. It was certainly a lot better than 71st, which was what happened in the last draw. For that reason, I don't gamble.

Before I get into the guts of this very small bill, I'd like to acknowledge the contribution by the member for Windsor-Walkerville (Mr. B. Newman) who, unfortunately, can't be with us here today. He sponsored a very similar type of bill on a number of occasions. The

title of the bill is the Ontario Commission on Waste Management and Resource Recovery Systems Act, 1977.

For a number of years the hon. member for Windsor-Walkerville has recognized the very serious position that we face as a society and in this province with regard to the effective and intelligent disposal of our garbage. To that end he had suggested the establishment of such a commission.

I am pleased to be able to put forward, basically, the same item of legislation on the suggestion of both that member and, as well, the member for Halton-Burlington (Mr. Reed) who, unfortunately, also can't be with us here today. In my view they really deserve a great deal of credit for their personal commitment and concern with regard to a commission on waste management and resource recovery.

The disposal of garbage for eight million people in the province of Ontario is becoming a very serious problem. We have as a Legislature had to address ourselves to legislation respecting the banning of non-returnable bottles. We've seen legislation which would have had a rather deleterious effect on employment in the can industry, all because of some sincere concern with regard to items of garbage that assist in putting pressure on our garbage dumps.

Landfill sites, or dumps, which is the appropriate method of describing them, are filling up very quickly across the province. There is tremendous pressure in the large urban areas such as Toronto, Hamilton, London, Ottawa et cetera. The pressure is then, in turn, being placed on farm and rural areas. With a move to regionalization it appears many of our smaller communities which are generally reluctantly participating in a regionalized system of government are having landfill sites or dumps inflicted upon them. In my particular area, while they are not directly in my constituency, they are adjacent to the constituency of the member for Wentworth. The township of Glanbrook is going to have, or at least it's proposed at this time, the regional dump for the Hamilton-Wentworth region. This is contrary to the desires of those people and, certainly, to the desire of the two regional councillors who represent the area. In the process of trying to impose this particular landfill site on those people, there will probably be \$1 million spent by the region for the legal costs associated with the fight. The people of Glanbrook are going to involve themselves in trying to protect their area from having a large dump in it.

I also draw the members' attention to the excellent—I think it must be class 1 farmland, in the Tremaine-Brittania area in Milton. I've met with those people. They are constituents of the member for Halton-Burlington. They too have a very genuine concern for the future of that farmland which is designated to be a landfill site for the Halton region. I suspect if they were successful through the courts the region would ultimately end up being a repository for garbage from Mississauga and Metro. I think that's unfortunate.

I could summarize the need for this bill as follows: I believe private enterprise is now recognizing the value of garbage. They are showing some real interest in the field and they should be drawn in. The major problem is not the technology but rather the marketing. These are problems which must be resolved. Recognizing that most of these resources are finite I believe recycling is inevitable if we are to survive as a society.

Municipalities are not being drawn into schemes of recycling as a result of a lack of communication on the part of the Ministry of the Environment. In fact, there seems to be a lack of communication within that ministry itself. In order to provide leadership, I would suggest this commission be established. On a regular basis the province is transferring its responsibilities in the area of waste management and resource recovery to the local level, but they're failing to provide the leadership that level of government requires.

One of the minister's own studies states, and I quote: "The province is the only agency which can be expected to provide the main impetus for this development." A commission such as that recommended in the bill would go a long way in providing the necessary technological development in evaluation of viable markets for material and energy. Regional government, as I said before, is presently using its powers to the disadvantage of the smaller municipalities within the regions, to impose waste management systems which are convenient to the urban core but to the disadvantage of the surrounding local municipalities. As a result of cutbacks in municipal transfers and the waste and inefficiencies of regional government, there is little incentive for local councils to provide long range waste management and resource recovery systems.

At the invitation of some people in the private sector, the member for Huron-Bruce (Mr. Gaunt), the member for London Centre (Mr. Peterson) and myself attended a meeting with some people at the Americology plant in Milwaukee and I must say I was genuinely impressed with the tremendous technology

they have developed. They have a system that basically looks after 90 per cent of the garbage in the area and those statistics are to be improved. Basically, all the garbage that goes into that plant is recycled in one way or another: Ferrous and non-ferrous metals are separated; the aluminum is separated; I believe glass, both coloured and non-coloured is separated. The balance, which is referred to as RDF, refuse derived fuel, is then sent to the Wisconsin generating plant outside the city. Here it is combined with bituminous coal and provides a large amount of hydro-electric power for the state of Wisconsin and the city of Milwaukee.

I think that is the way ahead for us. As a society, we can't afford to continue to bury our garbage in the ground and while I recognize the commitment made by the Minister of the Environment in 1974, the member for Durham-York (Mr. W. Newman), the efforts by the province in the three years since unfortunately have been minor. We are going to face a real crisis in the next little while in almost every urban area in the province.

It seems so foolish to bury valuable materials in the ground and at the same time destroy a way of life for people in the rural areas and plough under good farmland. I hope this piece of legislation could be considered in committee, notwithstanding the fact we are only going to be here for another three weeks and that various people will be consulted on it. It's the way ahead and I look forward to the support of the other two parties who I know share my concern with regard to solid waste reclamation, recycling and of course, the preservation of agricultural lands.

Ms. Bryden: I am sure everyone favours giving top priority to the development of better waste management in our society. We have discovered our resources are not unlimited and we may run out of certain non-renewable resources before the end of the century. We are learning that even our renewable resources are in jeopardy if we do not manage them properly.

We realize we are going to have to switch from the throwaway society to the conserver society and that means making the most efficient use of our resources which means recycling and resource recovery. So we certainly are in favour of the principle of developing new methods of waste management and resource recovery.

I might mention the Science Council of Canada has recently brought out a report called "Canada as a Conserver Society," and

they cite this example of the results of switching to a conserver society. They say: "Simply by better recovery and recycling from solid waste, the typical community of 100,000 could conserve up to 3.5 million gallons of fuel per year, 30,000 tons of paper and cardboard, 3,600 tons of ferrous materials, 700 tons of non-ferrous—aluminum, lead, zinc and copper—and 4,000 tons of glass. The operating cost of incinerators would be reduced by 30 per cent and their capital cost by 60 per cent and 15 acres of land per year would be spared from use for waste disposal by land fill."

We realize that waste management and resource recovery will pay off in the long run. However, the government's record in this field is shockingly deficient and perhaps that is what led the member for Wentworth North to bring in his bill. The government is spending less than \$10 million a year on resource recovery. Last year the estimates contained \$13.3 million for this responsibility, but only \$8.9 million was actually spent. This year the figure is down to \$7.9 million.

Ontario generates 6.5 million tons of solid waste a year. The few pilot projects that have been undertaken will not make much of a dent in this solid waste problem. The Ontario Resources Recovery Centre in Downsview, which is just coming on stream, would handle 600 tons a day when it is operating fully. This is a drop in the bucket when you think that Metropolitan Toronto alone generates two million tons of garbage a year.

The province is not providing money to encourage municipalities to switch from land fill to resource recovery plants. At the moment, resource recovery plants are more expensive than land fill for most municipalities, although the way agricultural land is skyrocketing in price, that situation may change. Resource recovery plants could in the long run pay their way if we could develop sufficient markets for the resources that are recovered. But at the moment to get them started requires a large capital investment and the development of markets.

The province should be doing a great deal more in helping municipalities to get such resource recovery plants in operation. People have been studying a model plant in Milwaukee, which is starting to develop this kind of a municipal disposal for the total garbage in the area. There is no doubt that we need more action in this field. But is this the right way to get action?

I am really surprised at the member for Wentworth North's suggesting the establishment of yet another commission, when we

already have over 300 of them, is the way to get action. I am sure I have heard many voices from the Liberal Party decrying the cost of such bodies, and I would certainly agree that each new commission brings its own layer of bureaucracy and a new set of costs.

Mr. McKessock: When we see the strength the Niagara Escarpment Commission has we feel they would do great things in this area.

Ms. Bryden: That may be so. But I would attack the concept of another commission on the principle of accountability as well as cost. We know from experience how difficult it is to bring the hundreds of commissions before this Legislature for annual examination. We know how difficult it is to ask questions about the work of a commission which reports indirectly through a minister in the House, but for the details of whose spending he is able to disclaim responsibility.

We also know we have not yet established a system to ensure that commissions are broadly representative of the various groups in our society, or of different political viewpoints. In fact, they are simply an extension of the government, since it has the sole say in the majority of appointments to most commissions in this province. For that reason, commissions are really an undemocratic instrument, since they are somewhat removed from legislative accountability and are often given lump sum budgets to spend without much close scrutiny from elected representatives.

If we look at the list of things in the bill which it is proposed would come under the commission, I think we can see that all of them could be done under the Ministry of the Environment mandate and under its Act. In its annual report, the ministry lists its objectives, and one of them is to manage waste. We already have a Waste Management Advisory Board. This bill does not propose to eliminate that board, so it seems all the things in this bill could be done if the Minister of the Environment (Mr. Kerr) took it under advisement to do so.

As I have said, it's not doing nearly enough. The reason seems to be a matter of political will, rather than of machinery in the form of boards or commissions. What we may have to change is not the machinery, but the government. For that reason I am not supporting this bill.

Mr. McCaffery: No sense in two capitalists being up at the same time, David.

Mr. Speaker, I'd like to compliment the member for Wentworth North for raising this most important topic in private members' hour.

Mr. Peterson: Best speech you have ever made.

Mr. Breithaupt: However.

Mr. McCaffrey: I think it is obviously a critical problem in our society today. More than that, I suggest the problem is going to accelerate.

I'd like to address myself to the portion of this bill which speaks directly to the reclamation and recycling of waste material. Simply put, the problem manifests the type of society we have. From the private sector, consumers have demanded and received convenience packaging that they are not—and I think this is central—going to give up.

The other side of the argument is that disposal of convenience products has created a nuisance for the same consumers—for us. Simply put, the problem is one which the private sector has in part created by providing consumers with what we've wanted, and in my judgement the private sector is best equipped to deal with it. We can't have the private sector providing us with products that only the government can or should dispose of.

Within the marketplace, which in its crude and clumsy fashion often does provide solutions for us, we might find some innovative approaches to the problem. Most waste products are commodities; like all commodities they have a market price. That market price obviously fluctuates as demand for the product changes and shifts. Nonetheless they do have a value and I would suggest we try to look at this whole question of waste disposal as a growth industry rather than as an industry whose residue has a nuisance value. Seeing it as a growth industry, we might be able to encourage the private sector to cope with it more effectively than they have.

The shortage of raw materials and new alternative uses for these raw materials have created fluctuating price demands. I'd like to touch briefly on two examples—newspapers, and then very briefly, pop cans—not that I want to open that topic again.

Mr. Warner: Why not?

Mr. McCaffrey: A year and a half ago a ton of newsprint, priced as you know on a world market, sold for about \$250. Today a ton of newsprint is worth about \$300. A year and a half ago a ton of used newspaper was worth \$7 or \$8. A ton of used newspaper today is worth more like \$40.

That change in price reflects, in part, the world price of newsprint. But more important, since alternative uses for recycled newspapers have been found—in this case, home insulation material—which have created a demand for the product, we now have old newspapers

priced at a level that makes it worthwhile for the private sector or a municipality to collect them for recycling purposes.

The whole question then, when looking at waste as a commodity, is what role has the government in coping with this? I strongly suggest the government's role should be simply to educate, inform, and co-ordinate, and not to get into the business of gathering waste materials, or commodities, as I prefer to think of them.

[4:45]

I think much of the spirit of the member's bill is already in place in existing legislation. The Environmental Protection Act now provides for virtually all of the objects in Bill 105. Development of procedures for reclamation and recycling can be and are being carried out by the minister under two sections of that Act. The power of this proposed commission to study marketing methods for reclaimed materials and alternate systems of waste management can be exercised by the minister under the same sections of that Act.

The power of the proposed commission to provide technical assistance to local governments can be and is being exercised now by the minister under section 3(e) of the Act.

Mr. Cunningham: It's not being done.

Mr. McCaffrey: The power of the proposed commission to enter into arrangements for the provision of waste management and recovery systems can be and, I believe, is now being exercised by the minister under section 3(j) of the Act.

However, as I suggested, if we try to look at this problem as a profit centre or a potential growth industry, I think that many of the other related nuisance problems will fall into place.

I mentioned the pop can. I just want to touch on it for a moment. I am relatively new to this process of government but I believe out of the pop can legislation and the debate that centred around it came one very, very clear message—clear, at least, to me—that governments can no longer simply arbitrate between two groups of consumers, those who demand the convenience of a pop can and those who quite rightly are offended when those cans litter up public places or public parks or beaches. The message must surely be that the industry has to undertake a system to easily and cheaply reclaim those products and to recycle them.

The convenience value of a can is not going to go away; again I think it is going to accelerate. Tragically, so is the so-called nuisance value. But the onus is on the private sector—which responds to our demands

quickly—to respond when those demands create consumer problems.

Mr. Warner: You have great faith in a system that doesn't work.

Mr. McCaffrey: I have phenomenal faith in the system, which has worked. Newspaper prices is one example; there are many more examples. Sometimes the system moves in a crude and slow fashion in order to cope with consumer problems. But it works out.

I think in conclusion, the bill has merit because the topic has merit. But I cannot support it because I cannot support anything where once again the onus is on government, any government—

Mr. Cunningham: The onus is on the private sector.

Mr. McCaffrey: —to cope with the problem. Governments are coping with too many things already. I am surprised at the member for Wentworth North who mouths free enterprise and talks about the private sector—

Interjections.

Mr. McCaffrey: —and yet in a pinch not only does he look to the government to solve a problem—worse than that: in the face of his own leader's recommendations to this Legislature, he recommends that another commission be set up. I am quite flabbergasted at that, frankly.

I cannot support any bill that puts the onus on any level of government to cope with a public problem that the private sector can deal with.

Mr. Warner: They don't. They don't deal with it.

Mr. McCaffrey: I cannot support a bill that sets up another commission. My colleague, the member for London South (Mr. Walker) has in an articulate way discussed the problem of too many boards and commissions and agencies that we are faced with already.

Mr. McKesock: Just take the Niagara Escarpment Commission and give it a worthwhile job.

Mr. McCaffrey: I don't think the bill is innovative enough. There are some—but, I am afraid, too few—new ideas in it and I think the people on this side of the House do tend not only to articulate a belief in the private sector but stick to it.

I recognize this is a problem. We are all consumers too. But as people who are sensitive to protecting tax dollars and in encouraging industry to deal with public problems when they can, I think we should not pursue this bill.

I am surprised. There is one section of it that it suggests that the 13 members of the commission shall be representative of Ontario Hydro, the Ministry of the Environment, business and industry. I am just surprised and a touch disappointed that you did not include Industry and Tourism, because I think through the Ministry of Industry and Tourism and ODC—as far as I understand how it operates—in co-ordinating information between Environment, Hydro and Industry and Tourism you can, when it is appropriate, loan public moneys to the private sector which will deal with these nuisance problems and see this as a potential growth industry.

Mr. Cunningham: Make an amendment.

Mr. MacDonald: It is not a nuisance, it is a resource.

Mr. Peterson: I must say I really listened in disbelief to some of the arguments presented by both of the other parties here today. I am quite disappointed. I really am. I think that the logic displayed by our friends to the left is extraordinary.

The member for Beaches-Woodbine (Ms. Bryden) has taken the position, I gather, that the power is already in place and the question is one of government will rather than operative legislation. I think she should know after her experience in this House that that doesn't necessarily happen. The government has the power to do all sorts of things and they don't end up exercising this power for whatever reasons.

I am very disappointed that the member has decided not to support this bill. She is going to perpetuate the same old problems that have gone on in this province for years. I am sure that my colleague who introduced this imaginative bill has gone through the litany of disappointment and almost blatant dishonesty of the announcement from the minister and the very picayune, very small and dismal contribution that really has been made to this whole problem of solid waste. I think it is an opportunity to get going with very little new in terms of government expenditures.

I don't think the hon. member for Armourdale (Mr. McCaffrey) was completely wrong in terms of getting the private sector involved because we very much believe that that is fundamental to this bill. But, believe me, anybody in the private sector contemplating this kind of plant today gets so frustrated with government—they have to go to so many boards, agencies and commissions to try to accomplish a thing like this they will give up in despair and walk away from

it. They will wash their hands of the complete issue.

Believe me, that is what is happening today. We have made it so complicated to accomplish this kind of constructive capital project no matter in whose hands it is, be it private enterprise or the government, that people are just walking away from it. This is an opportunity to consolidate, to be the one body of information to inform various levels of government, to act as a liaison between them.

For example, in this Milwaukee situation, which I recognize is probably the most constructive in the world, everyone I talked to—I happen to have had the benefit of being in Milwaukee with my colleagues from Huron and Wentworth North—said that the only reason it got going was because of imaginative politicians. All the so-called private enterprisers said, "We could never have got going had we not had the total and complete co-operation of the politicians. It's too frustrating and complex a problem to get involved in."

Let me take you back to this Milwaukee experience just a little bit because it's so very meaningful. The land upon which that factory was built was almost in the middle of the city, and was old railroad land that was not being particularly well used. A land site, equivalent to the kinds of sites we have all over this province in all major cities, downtown urban lands that aren't being used effectively or functioning well, was given to this Americology factory for something like \$5, right next to the university. All sorts of population and industry lie within two blocks of this plant.

That could not be done under the layers of protective legislation we have in this province. We couldn't accomplish that kind of thing without one agency in government prepared to bulldoze its way through the problems, make decisions, and assist this kind of an operation.

Yes, we agree it should be in private enterprise's hands. And this is a marvellous example, in my judgement, of a co-operative effort. Americology, a subsidiary of American Can, unabashedly will tell you that over the next 10 years they will probably make \$10 million. The figures aren't in yet. They aren't exactly sure of that.

The city of Milwaukee has a right to purchase that factory—and they probably will do that—after five years, with certain guarantees. That's certainly their prerogative to do so. Or they can leave it in the hands of American Can. But in the process, they've collectively developed the expertise. They have worked together. They have made it simple

and uncomplicated. All these things frequently need is just a go-ahead.

American Can, through Americology, is not the only corporation in North America that's involved in this kind of plant. There are lots of other imaginative systems available. All they need is someone from government to say: "We'll make it easy for you. We'll give you the land." Why shouldn't they give them the land? Obviously, there have to be appropriate guarantees, and everything else.

I say respectfully to the member for Armourdale, in spite of all the good sentiments that he mouths he is going to end up accomplishing nothing. It's all right to sit here and say private enterprise should carry the can, but they won't be doing it. We are going to end up with absolutely no more progress in the future than we've had to date without a legislative thrust and without a board operating.

The old argument thrown back is, "We're against all these boards, agencies and commissions," and of course, we are. We don't like useless boards and agencies and commissions as an extension for Tory patronage hanging around this province. We're tired of that. But we're not tired of imaginatively and creatively using them in new ways that really don't require the expenditure of all that much money. It just needs one central authority to focus, to provide information, to co-ordinate and get things done in a hurry.

I just want to read the objects of this bill into the record because I think they're important: "The objects of the commission are and it has the power, (a) to provide solid waste disposal and reclamation services throughout the province, including incineration and landfill;

"(b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;

"(c) to study methods of marketing reclaimed materials"—and that's very important. The government has so much power. The government must be involved because they are in a position to go to Ontario Hydro and say: "You must buy up the surplus paper, the ground-up refuse that one can use for fuel." The technology is there to adapt this fuel for the generation of electricity. I'm sure my colleague from Wentworth North has told the members this Americology factory in Milwaukee generates six times more energy than it consumes.

The fourth object is:

"(d) to provide programs of information and technical assistance to local government"—that's a meaningful contribution be-

cause many of them don't have the resources or the engineering assistance or the sophistication in this sense to develop these kinds of programs without help;

"(e) to study alternative systems of waste disposal, waste management and resource recovery; and

"(f) to enter into co-operative arrangements for the provision of waste management and resource recovery systems with representatives of private industry."

As I'm sure my colleague has pointed out, private enterprise is fundamental to this whole thing. We think it can be done without government financing in lots of cases. We think, perhaps, governments will be involved in guaranteeing debt, but that's not nearly the same problem as actually having to go into debt themselves.

Let me explain to you how American Can regards this project, and how they got into the reclamation business. They're not altruists. They're not people running around asking: "What can we do for our country?" They look upon this recycling recovery plant as a mine, as a source of materials, because they understand, as we all do, the problem of diminishing resources in North America and in the world. They understand the problems of waste. They understand North American habits and they are looking for sources of material so they can remanufacture and keep in business for the other ends of their operations. That is why they went into this business.

As I'm sure has been pointed out, there are several products: Glass that is being sold for roadbeds, for blocks and things like that; ferrous metals; non-ferrous metals; newspaper, which as my colleague from Armourdale has pointed out has a material value and increasing value today; and fuel, which is the major component, which necessarily needs government co-operation. This is particularly true in a province like Ontario, which has a monopolistic, government-controlled, energy-producing facility.

These people are not altruists. These people have done it because they can make money. The city of Milwaukee pays them about \$10 a ton now; it is recognized in the short run that they could probably dispose of that same waste through the traditional landfill methods at about \$9 a ton. But, looking into the future, when one anticipates the problem of creating landfill sites and all the dislocations those things have on the local residents; when they look at the cost of transportation in the future; when they look at the fact that they're going to have to move further and further

out of cities and out of communities, in a year or two the proposition is going to be equal in terms of cost. In the three or four years after that there is going to be a considerable cost saving. The plant and the capital is in place and it will serve the people of that community for a long, long time.

I am very disappointed with the resignation shown by the member for Beaches-Woodbine.

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Peterson: Thank you, Mr. Speaker, but I hope we can impose, through the fluency and persuasiveness of these arguments, and my colleagues will follow the idea that this should definitely be supported. We have a chance, for once, to do something imaginative in this area.

Mr. Warner: I didn't want to interrupt the member for London Centre on a point of order but I would draw to the attention of the Speaker and the members of the House that in the private members' hour I would assume each member has a particular viewpoint and we are not necessarily dealing in party lines or in party position, but rather individual positions.

Mr. Deputy Speaker: That depends on whether you're in the government or not.

Mr. Warner: I think that's a very healthy way to approach a private members' hour. I have mentioned on other occasions it disturbs me that it would appear in some of the private members' hours that the government in particular has been voting en masse or en block either for or against a particular bill. It disturbs me, quite frankly, because I take this to be in the best tradition of a private members' deliberation of a bill.

Mr. Peterson: The government is destroying the whole concept.

Mr. Warner: I wish to comment on the bill we have before us and commend the member for Wentworth North for having brought it forward. His concern on the subject is well known. He has taken the time and trouble to go to Wisconsin and view what I gather is a very imaginative kind of project and one which works. He has shown his concern in the speech which he made and in the bill in front of us.

Quite frankly I think the member for Armourdale underestimates the seriousness of the problem and is perhaps even misguided as to who created the problem. The seriousness of the problem is extensive in not only

the amounts of waste material which we have in our society, in Ontario, but also in the wide variety of items which are presenting difficulties for us. It was the good old private enterprise system that created the problem in the first place.

Mr. McCaffrey: And can solve, that is my whole point.

Mr. Kennedy: The socialists throw away garbage too.

Mr. Warner: If the member wants a good example of it, just let him think back to when he was talking about the pop cans and the ring-top can we had. That was developed because private enterprise wanted to develop it for their own particular purpose. They had no thought as to the resulting difficulty they were going to create. It really took an effort of government to correct that situation.

Without government intervening the situation would have continued because, as we have known from the past, much of the private enterprise area does whatever they feel they want to do, regardless of the consequences to them, provided they're not financial. That is their sole consideration in most cases. It's unfortunate it takes the government to move in to correct that situation.

If the member's system works so well, we wouldn't have, for example, the Environmental Protection Act. It never would have been brought in except that there was a need; there was a desperate need, and so it was brought in. It's pretty lengthy and it's pretty involved and there are a lot of details in it.

The thing that bothers me, as I'm sure it does many other members on this side of the House, is the fact that the Environmental Protection Act in many cases doesn't seem to be adhered to. It doesn't seem to be acted upon.

Take certain sections of it, Mr. Speaker. Look at section 3(b): "conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal." I take it under that section we could have by now the type of recycling and reclamation plant which is in existence in Wisconsin. That could have been done.

This Act was passed, I believe, in 1971. Six years later we don't have any plans along the lines I have just described. The Act is there; it is not being developed. The government has shown almost no imagination in terms of addressing the problem which we know exists and in trying to find the right kind of solutions. The government just simply has not done the job.

If I am wrong, Mr. Speaker, I would like to hear from the member for Armourdale. But frankly I think he underestimates the seriousness of the situation and places false hope in the fact the people who created the problem are going to somehow clean it up all by themselves without someone pressuring them to do it. It has never happened in the past. How on earth could it possibly happen in the future?

This government unfortunately, Mr. Speaker, has never seen fit, except when dragged kicking and screaming, to force those polluters to clean up their act, and that seems to be the crux of the problem.

I appreciate the fact the member for Wentworth North has brought forward a bill which in his estimation addresses the very problem about which I have been speaking and offers what he says will be the answer to it—forcing the government's hand.

I assume the member for Wentworth North has some of his allotted time left and so will be addressing the points raised. I will bring a couple of things to his attention and perhaps he can comment on them.

Mr. McCaffrey: You don't force the government's hand with a government appointed commission.

Mr. Warner: Thank you, that's my next topic.

We already have 363 boards and commissions in this province and we know what they are. They are havens for defeated Tory candidates and other nondescripts to earn a bit of extra money and re-establish prestige or whatever. We don't need more of them. We need fewer.

Surely we should be moving from an old system of appointed boards and commissions to more generally elected positions, more democratically aligned types of arrangements. That's to say elections of individuals or appointments by councils of people who are elected—people who come from some form of either nomination or election to be specific.

If you want somebody who comes from working people sitting on a board, then you have someone elected from a union because that person has faced election within his or her union and therefore is accountable to someone. If you are going to have someone from a council, they are accountable to the electorate in that municipality and so on—someone who has a defined group to which they are responsible, not just someone appointed by the Lieutenant Governor in Council. That's too easy a route for patronage and I really object to it very strongly.

Perhaps the mover of the bill would be interested in striking that part from the bill

and substituting some other form of election or nomination.

I am disappointed, quite frankly, in section 2(3). While there are various people named who no doubt bring expertise to the situation, the workers of this province are uninvolved. I think, for example, of CUPE. Many members of CUPE work for Ontario Hydro and have been involved in projects and have an understanding of the situation of waste management. The Ontario Federation of Labour has its own education section and does its own research. It has people well versed in this topic and those people are to be denied representation. I think that's wrong. It's a drawback. Perhaps again the mover of the bill would be able to amend that section.

Section 4 is simply for the most part a rewording of section 3 of the Environmental Protection Act. The kinds of objectives the member wishes to attain are stated in the Environmental Protection Act.

We know what the government is not doing. We do know they have an Act. Our problem is to get that Act moving, to get the government moving. They have had six years to do it and haven't done it. I would submit that probably the only way to develop the projects arising from the Environmental Protection Act is to change the government. I must vote against the bill.

Mr. Kennedy: I am pleased to join in this debate on a very, very topical subject. At the outset I will say, though, I am not able to support the bill for reasons I will outline, some of which have been expressed. I do want to commend the member for bringing it forward, putting it on the agenda and being lucky in the draw so we are able to discuss this very important topic this afternoon.

The present Environmental Protection Act, which was brought in by this government, is acknowledged as being one of the most advanced pieces of legislation in this area in any jurisdiction in the world. I think even the hon. members opposite acknowledge this, and it is generally acknowledged.

The bill here before us implies, presumably, that the ministry and the present legislation are not doing the job. I have difficulty in seeing how another commission—an added bureaucracy—will turn this around, make it more so.

Mr. Warner: Especially more Tories.

Mr. Kennedy: Looking at boards and commissions one finds not efficiency but more delay, more red tape. And the red tape adds to the mounting pile of garbage we have. We can do without it.

One of the things that has been very visible in the province is the phasing out of the old traditional garbage dump and its replacement by landfill sites. This has happened in an area where I have a cottage. I saw the dump phased out by the municipality which was concerned with cost. They worked very carefully and were able to close out the old dump and have a new efficient operation.

Not only does the landfill site do a job in providing for the handling the waste, but it has an impact on society. I suggest it brings an awareness to the populace of the need for not littering the countryside with garbage. For instance, you get a permit to go to the dump and you are told when it is open. Then you place your refuse in that dump at certain specified hours. This gets people into a routine. It is much better and you see less litter around in this particular area. I assume the same thing applies elsewhere across the province.

On the preparation of landfill sites, I want to mention our own region of Peel, the one I am most familiar with. Just last week they had approval for a new landfill site, some 205 acres, given a 12-year life. This is an area in which the government is involved in respect to resource recovery. They provide the total capital outlay for resource recovery equipment, 50 per cent of this is recovered by government but over 40 years. This is very encouraging to municipalities.

The general notion that a government commission can work better than the ministry was discarded back in 1972. That's the year some hon. members will remember that the government terminated the Ontario Water Resources Commission. It and its functions regarding sewage and water were integrated into the ministry.

Mr. Gaunt: And we've been losing ground ever since in terms of water pollution and clean-up.

[5:15]

Mr. Kennedy: It was supported by the Liberals opposite and has been supported ever since. Now they turn around and want to have another commission. It flies right in the face of what they did in 1972.

Mr. Gaunt: No, not at all.

Mr. Kennedy: Yes. Waste management, Mr. Speaker, is a serious problem. I don't want to dismiss it lightly and say it's being dealt with as effectively as it should be. But we're certainly working towards it.

There's an average of four pounds of garbage per person daily; the member for Beaches-Woodbine mentioned the production of garbage per person in total tonnage. To

have that garbage hauled away costs around \$25 per year.

As a little digression, I might say that I brought in the first private member's bill—I wish we had the voting in those days that we have now—to ban the non-returnable bottle. The government is committed, as the members know, to phase this out as of next April.

Mr. Breithaupt: It only took 10 years.

Mr. Kennedy: I was away ahead of my time, to the member for Kitchener.

Mr. Mackenzie: When are you going to bring in a bill to take care of the workers?

Mr. Kennedy: In 1976 Canadian manufacturers spent \$2.3 billion on materials, machinery and services to package goods worth approximately \$55 billion. More than 90 per cent of that packaging ends up as garbage during the same year. These figures are indicative of the problem of waste management. I don't think this problem could or should be handled by a separate commission. My figures indicate the problem spreads to all sectors of society, so it's much better handled by the overall legislative power of the Ministry of the Environment.

As was mentioned by the member for Scarborough-Ellesmere, most if not all of the provisions of this bill are covered by the ministry. I want to take a moment for a few other examples of what the ministry is doing. It's going to be launching a series of consumer seminars shortly. The purpose of the seminars is to create consumer awareness of how much energy is used in making various kinds of packages and to provide useful tips on ways to utilize less wasteful packages. The four Rs of waste management—reuse, reduce, recycle, reclaim—will be emphasized in these seminars. **Mr. Speaker,** could you tell me how much time is left?

Mr. Deputy Speaker: About three and a half minutes.

Mr. Kennedy: Thank you. I have here a copy of *Civic*, a public works magazine published by that eminent publisher, Maclean-Hunter. The title of this article, which I'd recommend to members, is "Waste Study Looks at Productivity." The article states: "The Ontario Environment ministry's waste management advisory board has launched a study aimed at finding ways to help municipalities improve productivity in solid waste collection and disposal." It goes on in this vein, naming the consulting firm.

"Two of the more extensive aims are to gather information for better waste management planning. The study will develop a standard approach for maintaining and reporting municipal waste management in On-

tario. It is hoped to increase the existing body of knowledge pertaining to waste management and aid in assessing province-wide waste generation and costs. Mr. P. J. Crabtree, executive administrator of the advisory board said, 'The main concern'—this is the point I wanted to make—"which prompted the study was the dearth of information on collection and cost control in waste handling.'" This is an area that needs attention, **Mr. Speaker.**

Another activity of the ministry—I refer members to the Metropolitan Area Waste Management Study, 1976, which dealt with not only Metro, but Peel, York, and Durham as well. There are some excellent recommendations in it.

The ministry has, and this is indicative of it, one of the world's most comprehensive programs of waste management, reclamation and disposal. It has developed environmentally sound landfill operations. It is working toward a system of reclamation of material and also of something that has not been mentioned, energy from wastes.

We have the Resource Recovery Research Centre as was mentioned opposite as well. It is working. It is the most advanced one, and one people from other jurisdictions come to see. We go to other jurisdictions and they come here.

Mr. Deputy Speaker: The member's time has now expired.

Mr. Kennedy: I will just close off. So I mention only a few of the programs and undertakings of the ministry. What it means to me is that far from requiring a new commission—

Mr. Lewis: Mr. Speaker, this is an abuse of the rules, a gross abuse of the rules.

Mr. Kennedy:—what we need is some more positive publicity and activity for the advances we are making every day. So I shudder, frankly, Mr. Speaker, at the thought of another commission, an unneeded commission, the bureaucracy, the cost, the red tape. Let's rev up what we have got.

Mr. Lewis: Do you people know something about creating commissions?

Mr. Pope: We don't need any more!

Mr. Deputy Speaker: The hon. member for Huron-Bruce.

Mr. Lewis: If you were to be appointed the chairman, you would announce it yourself.

Mr. Kennedy: Now there is a thought.

Mr. Gaunt: I must observe the comments and make comments upon the comments—

Mr. Kennedy: We took out OWRC with your support.

Mr. Gaunt: —my friend from Mississauga South made in the course of his remarks with respect to commissions. This government is the greatest proponent of commissions that I have ever seen. Perhaps the record should show it is the greatest proponent and creator of commissions in the Dominion of Canada.

Interjections.

Mr. Gaunt: Here we have this afternoon two of my friends on the other side saying, "Abhorrence! We don't want any more commissions!"

Mr. Kennedy: We don't need this one.

Mr. Gaunt: "We have antipathy toward any commissions. Please don't set up any more commissions."

Mr. Pope: We don't need more commissions.

Mr. Gaunt: Goodness gracious. What a change of heart. What a revolution has taken place over on the other side. I say to my friends—

Mr. Kerrio: Clean up your act.

Mr. Gaunt: —that should any of my friends on the opposite side have the misfortune to be defeated, they would be the first ones who would want another commission.

Mr. Kennedy: No, no. There are 363 around.

Interjections.

Mr. Gaunt: So I think my friends on the other side are being somewhat facetious when they say they don't want another commission set up, because certainly—

Mr. Lewis: What happened to Allan Grossman, John Yaremko, Charles MacNaughton, Eric Winkler? There are a bunch of professionals over there. You are a bunch of commissions. Rene Brunelle can hardly hold his breath, look at him.

Mr. Gaunt: They don't want us on this side to suspect their motives and—

Interjections.

Mr. Gaunt: —so they have taken that position. My friend from Armourdale has said his government is committed to resource recovery and recycling. I say to my friend the spirit may be there but the body is very weak indeed. The flesh is very weak, indeed, because one has to just take a look at the record and see what has happened with respect to recycling and resource recovery in the last few years and what thrust this government has given to it.

As a matter of fact, the government here in the province of Ontario cannot even recycle the paper it creates around this complex.

Mr. Kerrio: They are recycling defeated Tories.

Mr. Gaunt: We have 21.3 tons of office waste around here per week, of which 12.7 tons is special consideration paper for which potential markets exist—that is bond writing paper and that kind of thing. We have another 3.5 tons of throw-out papers and magazines, hardcover books and newspapers. Out of the 21.3 tons of office waste per week around here, only 5.1 tons cannot be recovered or recycled. The balance, roughly 16 tons per week, could be recycled.

And we haven't even got the will to do that. I haven't housecleaned my office in seven years. I don't want to do it because it breaks my heart to throw out all those books and reports and in doing so know they will end up in some landfill site away out in Halton.

Mr. Warner: Are you saving Claude Bennett's speeches?

Mr. Gaunt: They are on the bottom of the pile. I simply make the point that the government hasn't had the commitment to recycling and resource recovery we think it should have and that we know it is going to have to have in the next year or two. Otherwise, we are going to be in serious trouble.

I should mention, in case the members are not fully persuaded about the merits of recycling, for every ton of steel produced from recycled municipal solid waste the following things happen: Enough electricity is saved to provide eight months' power supply for the average North American home; 200 pounds of air pollutants are not released into the atmosphere; about 6,700 gallons of fresh water are not used; the water that is used and returned to sewers and streams contain 102 pounds fewer water pollutants. In recycling paper alone, substantial savings of natural resources can be achieved. Recycling 11 million tons of paper can save up to two million trees.

Surely that should indicate to the members on the other side of the importance of recycling and resource recovery. It's the sensible solution. It is the only route we can go at this point. It takes care of the solid waste, it conserves resources, it saves money and it saves energy, all at the same time.

My colleagues mentioned the Milwaukee plant. I was fortunate enough to do down and see its operation and it is very impressive indeed. It handles and recycles up to 1,000

tons of waste daily. It is a very excellent front-end plant. It has had its start-up problems but a lot of those problems have been worked out. The materials it recycles and reuses constitute about 90 per cent of the total garbage handled by the plant.

There are many other processes. One can ask, how can we deal with this problem in the next few months or in the next year because we've got to develop the technology? The technology is already there. The technology is there; it's in place now and it is operating in many countries of the world. I happened to be at a resource recovery convention in Washington, DC, in October of this year at which an outline was given of all of the technologies employed in resource recovery and recycling. There are at least a dozen such technologies available, workable technologies now being used in many parts of the world to recycle and to fulfil the concept of resource recovery.

I can think of plants in Luxembourg where pyrolysis is used to produce electrical power. Pyrolysis can also be used to produce methanol which the Germans used for 50 per cent of their transportation needs prior to the Second World War. It was only with the advent of the war and the fact cheap oil came along at the same time that they switched from that method and it really is only starting to catch on again because of the economics involved in the oil situation.

Switzerland, for instance, has a sewage treatment plant and they incinerate their sludge to produce steam for their generators. Rome: There's a very interesting plant there equipped to separate waste paper, plastic film, ferrous metal, and it can produce animal feed and compost. It's a very complex mill, but the material that isn't recycled or reused is incinerated to produce steam for in-plant processes.

[5:30]

These things are all available. But here we are in this province, almost paralyzed in this area. We haven't really made any substantial progress at all.

The member for Beaches-Woodbine mentioned the plant at Downsview and the fact that it's just coming on stream. She's quite right; the garbage that plant will handle is only a drop in the bucket of the total garbage to be processed.

We have our "watts from waste" program that has been bogged down in legalese for years. Apparently that's been sorted out and is going to be resolved. But really there's no firm commitment on the part of this government to give any leadership in this area. If

there were, I'm sure that this government would be moving to give the municipalities direction to phase out landfill sites by the year 1981, as they've done in BC.

Mr. Speaker: The hon. member's time has expired.

Mr. Gaunt: That would force the municipalities to consider the options in this area. Having done so, I'm sure they would opt for resource recovery and recycling. I urge the support of all members in support of my colleague's bill.

Mr. di Santo: I join my colleagues from Beaches-Woodbine and Scarborough-Ellesmere in opposing this bill because I think it is a—

Mr. Kerrio: Good bill.

Mr. di Santo: —in a way redundant and repetitive, as explained by my colleagues. In another way it is deficient because the commission the member for Wentworth North wants to set up will comprise representatives of Ontario Hydro, the Ministry of the Environment, and business and industry. Representatives of business must constitute the majority of the members of the commission. Of course, he leaves out the representatives of the workers, while he wants to include representatives of the Reed corporation, who are among the major polluters in this province—

Mr. Wildman: So much for wooing labour.

Mr. di Santo: —with the complicity of the government of this province. So I don't think that if, as a result of this bill, we set up such a commission that the situation will improve at all. We know that we have a problem with waste disposal and resource energy recovery, but I don't think that the way to do that is through setting up a commission. This is not because I am, in principle, opposed to commissions; as has been pointed out, the Tory members who spoke on the bill are now scandalized by suggestions of a new commission, but they've been setting up hundreds of useless commissions in the last 34 years.

Mr. McCaffrey: Times change; it's the wave of the future. Read your leader's column. Just like the waves breaking on the beach.

Mr. di Santo: I really don't think a commission would do the job.

Mr. Germa: All you are doing is recycling Tories.

Mr. di Santo: In fact, the problems of waste disposal and energy recovery involve both economic and environmental problems.

Mr. Kennedy: Put in the ones that are needed and don't let in the ones that aren't needed.

Mr. Wildman: Instead of recycling Tories, we should be treating them as waste disposal.

Mr. Mackenzie: They have two standards: Old defeated Tories get recycled; workers are out of a job.

Mr. di Santo: With any type of waste, both organic and inorganic, we know that we create pollution of water, and air. At the same time, we need, today, billions of dollars for the collection, transportation and disposal of waste.

The problems, of course, are more serious where there are large concentrations of people in the cities, because there is less land available and because of stringent standards on quality. We also sometimes have problems with incineration, which requires additional and expensive pollution control devices. I think all of us are convinced that we have to move from the present situation towards a situation which will allow us to dispose of our waste and recover as much energy as possible from it, especially at this time when we are experiencing a shortage of energy, because of non-renewable sources of energy.

If the prospects for the future are rather bleak, I think the major problem that we have today in this area, as in many other areas, is that we are still operating in a consumption-oriented society which is unable to solve the problems it creates.

Last September, the Science Council of Canada, in a report called "Canada Is a Conservator Society," addresses itself to this very problem. It said we need a gigantic amount of money to recover energy from waste and that we need long-term government planning to change the present trends which are wasting billions of dollars every year. The report, which was addressing itself to Canada, said we need to shake up of pricing systems and advertising methods, as well as to revolutionize transportation and construction, altering employment patterns and everyday lifestyles and change the face of the Canadian city.

Only if we do that can we then handle the problems generated by our type of society, that is, the consumption society. We can then look towards the future with the hope we won't have the problems we now are unfortunately faced with and which will become more gigantic in the future. There are already rumours that we will have an oil shortage by 1985 and by that time per-

haps gasoline won't be available in the same way it is available now; we may very well need gasoline rationing.

I think the free enterprise system is unable to handle these problems.

Mr. Kerrio: It's not true, Odoardo; it's not true at all.

Mr. Wildman: Conservation is basically socialist.

Mr. Mackenzie: Like Anaconda, Exxon and some of the other boys that handle it—it's free enterprise.

Mr. di Santo: For my friend from Niagara, who usually takes the most reactionary stance, I should say that the Science Council of Canada is not a subversive institution, as the former member for Hamilton Mountain would have said, but it's set up by the federal government. It is set up mostly of Liberals like you; more open-minded Liberals but still Liberals.

This report amounts to a scathing criticism of integral aspects of the free enterprise system. The study finds the present market and financial mechanism incapable of insulating the nation from the future shocks that it says a majority of today's Canadians will live to experience. The Science Council of Canada then suggests that we should—

Mr. Wildman: An enlightened organization.

Mr. di Santo: —go toward what they call a "conservator society." They say that this is not something that can be legislated, but requires government involvement. I know that you don't like to talk about government involvement. You use quite demagogically this type of approach, especially in those areas where government is filled with suspicion. But the Science Council of Canada suggests more government involvement through legislation in the form of standards and controls, tax penalties or incentives, grants of interest free loans and sponsorship of many major research programs.

I think that only if we change our approach and our attitude, will we be able to solve this gigantic problem. The bill we are discussing doesn't face the problem because it excludes from the commission, a very important sector of the population, namely the workers. It should also have the consumers, who are often the victims of the waste disposal practice now. The bill is redundant because, as my colleague said before, it's a repetition in different words of a section of the Environmental Protection Act. For these reasons, even though I can understand the good intentions of the member for Wentworth North, I cannot vote for his bill.

Mr. Cunningham: I am glad the member for Wentworth (Mr. Deans) isn't here. I think he would be somewhat dismayed to hear the reactions from his party, especially the Metro members of his party, who are inclined I suppose, to see garbage—their garbage—taken from the city and dumped in rural areas. I think he would be somewhat disturbed in so far as he is having a garbage dump inflicted upon some of his constituents, contrary surely to his wishes and the wishes of those constituents. So to those members I say: keep your garbage in Toronto.

Very briefly to answer the legitimate inquiries by the member for Armourdale (Mr. McCaffrey), I could only suggest that the concept proposed in this bill requires the co-operation of both the public sector and the private sector. The public sector in so far as they have the responsibility for the collection of garbage and much of the cost associated with it both directly and indirectly; the private sector, because it is the private sector that will develop the markets to make recycling an economically viable activity.

I must say I am somewhat dismayed that the members of the NDP are concerned about the establishment of a commission that will require the government to put the individuals on it. I would hope that we have not reached that low stage where patronage has to prevail in everything.

Mr. Conway: True to their rags and tatters tradition.

[5:45]

Mr. Cunningham: I would respond to the member from Mississauga who quoted Civic magazine. I, too, read it, and I would like to share with him part of the article of October, 1977; the headline says: "Entirely Feasible for Canada."

"It's something you would expect to see in the 2001 and best of all it's entirely feasible for Canada. This was the view of Mr. Peter Maclean, president of M and T Chemicals, Hamilton, after touring Milwaukee's new full scale resource recovery operation. He said: 'The Americology plant is a network of systems that are working so favourably, we are already looking at it as a commercially operative prototype for the future resource recovery systems in Canada.'

"He went on to say: 'For more than a year now we have been working hard at developing markets for recycled resources. Our progress in that area, together with the arrival of proven technology at Milwaukee, suggests to us that resource recovery has arrived, not simply in experimental form but as a proven large-scale operation.'

"Art Childs, also an employee of that company"—and I might add a former conservative member of this House—"went on to say the Milwaukee problems of solid waste disposal were very similar to those being experienced in Canada today by a number of cities, including Toronto and Hamilton.

"He went on to say: 'Lack of landfill sites, increased public opposition and escalating hauling costs are but some of the prominent waste disposal difficulties facing our elected officials.' Mr. Childs said, the biggest problem was that of getting the various bodies together and on the same wavelength. That was the most difficult hurdle. He said, 'We have invited a number of key provincial, municipal and industrial officials to visit Milwaukee. Those who have gone have generally returned with positive feelings toward our future solid waste disposal.'

I can only suggest that if such a commission were established, I would think they could spark and encourage the establishment of such a plant. In my own area it would certainly work to the advantage of both the investors and the workers employed in the plants, and companies like Dofasco and Stelco, the glass companies who require those raw materials, M and T themselves. It would save valuable farmland in places like Glanbrook, Tremaine-Britannia in Milton. Most importantly, it would save us, as taxpayers, a great deal of money.

I must say I am very disappointed at the narrow attitude taken by both the NDP with their adherence to socialism and the Conservative government in their rather inane attempt to prop up the Ministry of the Environment.

Mr. Speaker: If I could have the attention of the hon. members, there are two items before the House.

Firstly, Mr. Eaton has moved second reading of Bill 101, An Act to amend the Petty Trespass Act. Any member objecting to this being put to the House at this time should now rise.

The second item is second reading of Bill 105, moved by Mr. Cunningham, an Act to establish the Ontario Commission on Waste Management and Resource Recovery Systems. Any member objecting to this bill being put to the House at this time should now rise.

PETTY TRESPASS AMENDMENT ACT

The House divided on Mr. Eaton's motion for second reading of Bill 101, which was approved on the following vote:

AYES

Ashe
Auld
Baetz
Bennett
Blundy
Breithaupt
Brunelle
Campbell
Conway
Cunningham
Cureatz
di Santo
Drea
Eaton
Edighoffer
Elgie
Epp
Gaunt
Gregory
Grossman
Hall
Hodgson
Johnson
Jones
Kennedy
Kerr
Lane
Leluk
Lewis
MacBeth
MacDonald
Maeck
Mancini
McCaffrey
McKessock
McNeil
Miller, F.S.
Miller, G.I.
Newman, B.
Newman, W.
Nixon
Norton
Parrott
Peterson
Philip
Reid
Rotenberg
Rowe
Ruston
Samis
Sargent
Scrivener
Smith, S.
Smith, G. E.
Sterling
Sweeney
Taylor, G.
Van Horne
Villeneuve
Walker

NAYS

Bounsall
Bryden
Cooke
Davidson
Davison
Foulds
Germa
Gigantes
Grande
Haggerty
Kerrio
Laughren
Lupusella
Mackenzie
Makarchuk
Martel
McClellan
Swart
Warner
Young

AYES

Welch
Wells
Wildman
Williams
Wiseman
Worton
Yakabuski

Ayes, 67; nays 20.

Motion agreed to.

Mr. Speaker: Shall the bill be ordered for third reading?

Mr. Eaton: Mr. Speaker, I would ask that it be referred to the standing resources development committee.

Agreed.

ONTARIO COMMISSION ON WASTE
MANAGEMENT AND RESOURCE
RECOVERY SYSTEMS ACT

The House divided on Mr. Cunningham's motion for second reading of Bill 105, which was negated on the following vote:

AYES

Blundy
Breithaupt
Campbell
Conway
Cunningham
Edighoffer
Epp
Gaunt
Haggerty
Hall
Kerrio
Mancini
McKessock
Miller, G. I.
Newman, B.
Nixon
Peterson
Reid
Ruston
Sargent
Smith, S.
Sweeney
Van Horne
Worton

NAYS

Ashe
Auld
Baetz
Bennett
Bounsall
Brunelle
Bryden
Cooke
Cureatz
Davidson
Davison
di Santo
Drea
Eaton
Elgie
Foulds
Germa
Gigantes
Grande
Gregory
Grossman
Hodgson
Johnson
Jones
Kennedy
Kerr
Lane
Laughren
Leluk
Lewis
Lupusella
MacBeth
MacDonald
Mackenzie
Maeck

NAYS

Makarchuk
 Martel
 McCaffrey
 McClellan
 McNeil
 Miller, F. S.
 Newman, W.
 Norton
 Parrott
 Philip
 Rotenberg
 Rowe
 Samis
 Scrivener
 Smith, G. E.
 Sterling
 Swart
 Taylor, G.
 Villeneuve
 Walker
 Warner
 Welch
 Wells
 Wildman
 Williams
 Wiseman
 Yakabuski
 Young

Ayes 24; nays 63.

Mr. Speaker: The motion is lost. That concludes this order of business.

Hon. Mr. Welch: Mr. Speaker, may I take advantage of this particular point in our proceedings to indicate the order of business for the week of December 5.

In addition to the regularly scheduled committee meetings, including estimates, perhaps I could indicate the legislation program. We will have legislation Tuesday afternoon, and evening; and next week we will also have legislation on Thursday evening, if you would please note that change.

The legislation to be considered on Tuesday, not necessarily but likely in this order: Bills 102, 103, 107, 111, 94 and 43, 88 and 98. If I could carry on over to Thursday evening of next week, we more than likely will require that particular evening to complete Bill 98, with a bell at 10:15.

On Thursday afternoon it will be ballot items 15 and 16 standing in the names of the member for Carleton East (Ms. Gigantes) and the member for Mississauga North (Mr. Jones).

The House recessed at 6 p.m.

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Lupusella, A. (Dovercourt NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Makarchuk, M. (Brantford NDP)
Martel, E. W. (Sudbury East NDP)
McCaffrey, B. (Armourdale PC)
McClellan, R. (Bellwoods NDP)
McKessock, R. (Grey L)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Peterson, D. (London Centre L)
Pope, A. (Cochrane South PC)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Smith, G. E. (Simcoe East PC)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Sterling, N. W. (Carleton-Grenville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)

Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Van Horne, R. (London North L)
Warner, D. (Scarborough-Ellesmere NDP)
Wildman, B. (Algoma NDP)
Worton, H. (Wellington South L)

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



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Official Report (Hansard)
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First Session, 31st Parliament

Thursday, December 1, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 1, 1977

The House resumed at 8 p.m.

Mr. Speaker: During the supper recess, I was pleased that so many members were able to attend the unveiling of the portrait of Mr. Speaker Rowe. The proceedings were recorded by Hansard. Would it be the wish of the House to include this as an appendix to Hansard?

Agreed. (See appendix page 2532.)

Mr. Warner: Point of order.

Mr. Worton: Mr. Speaker, could we have a call for a quorum?

Mr. Speaker called for the quorum bells. On resumption:

SELECT COMMITTEE ON THE FOURTH AND FIFTH REPORTS OF THE ONTARIO COMMISSION ON THE LEGISLATURE

Consideration of the March 29, 1977, Report of the Select Committee on the Fourth and Fifth Reports of the Ontario Commission on the Legislature.

Mrs. Campbell: Thank you, Mr. Speaker. I would like to comment briefly on the fact that these reports which we're studying tonight are reports which belong to the members of this Legislature.

Mr. Haggerty: You'd never know it though.

Mrs. Campbell: It's very sad to me, Mr. Speaker, that we debate this kind of a report in the dying moments, as it were, of the December session.

Last year, you may recall, in order to get anything debated at all we had to set up an ad hoc committee. We did get through some of the provisional changes in the rules and we did get some of the committees set in place. Yet here tonight we are debating again, and further, other reports of this committee; and there does not seem to be a very real concern by the members about their privileges and about services to them.

The recommendations of the Morrow committee came out of the Camp commission report in the first instance, and as a result of a study which the committee made when it went to Ottawa to look at the operation of Parliament and its committees. It is interesting that we have set up committees of

this House which were intended to correspond with the committees in the federal government, as I understood it, being a member of that committee.

One of those committees to implement the discussions on the reports was the members' services committee which I, at the moment, have the honour to chair. I don't know whether it really is an honour to chair that committee, because we are having great difficulties in getting our members together because of the uncertainties about the subject matters with which we are called upon to deal.

It seems to me, Mr. Speaker, that I should read into the record a letter from Mr. Speaker Jerome setting out the members' services committee function in Ottawa so that I may then comment on the way in which these recommendations could flow if they were acceptable to government. I may say that we wrote to every Speaker in Canada, in each of the provinces, and including of course Mr. Speaker Jerome.

In a letter to me of November 16, answering my paragraph concerning a description of the function of the committee in Ottawa, he says this—and I think it's interesting to bear it in mind since we hear so often just how autocratic the government party in Ottawa is; however if I may just read this we may see how we can perhaps improve our services here.

"I can tell you in answer to your inquiry in the fourth paragraph of your letter that there does exist in the House of Commons a standing committee on management and members' services.

"Its terms of reference are to be found in standing order 65-1-S as follows: 'On management and members services which is empowered to advise Mr. Speaker as well as the Commissioners of Internal Economy on the administration of the House and the provisions of services and facilities to members; to consist of not more than 12 members.'

"The committee has been in existence for two years. It has, since its inception, been under the chairmanship of a member of the official opposition and has as its permanent witnesses the Clerk of the House and other senior officials.

"I appear before the committee from time

to time as Speaker of the House, notably in connection with the study by the committee of the estimates of the House of Commons, and when the committee feels it desirable to invite me on other topics."

I read that in because it demonstrates what seems to me to be absolutely necessary if the members' services committee is to be able to cope with the recommendations of the Morrow report and to come back to the House with a meaningful report.

You will recall, Mr. Speaker, that this committee has made one report. It was, I suggest Mr. Speaker, perhaps improperly a direction to Mr. Speaker—at least a request—to engage the services of a parliamentary librarian in accordance with the recommendations contained in the report which is before us tonight and flowing from the Spicer report on library services. Because there is no connection at all between this committee and the Board of Internal Economy, nothing has transpired. We are not the advisers to the board; we are not the advisers to anybody other than the House, and the House adopted that report unanimously.

[8:15]

Since then, I am led to believe, consternation has been raised. There has been a legal opinion given as to what the status of a report, unanimously adopted by the House, shall have before the Board of Internal Economy. Until this can be resolved, the members' services committee cannot usefully function on behalf of the members of this House, in my submission, because almost every single, solitary recommendation we might consider does involve, directly or indirectly, some financial implication.

I may say our committee took the step of first ascertaining whether a recommendation of this kind would call for supplementary estimates or would call for additional money up to March 31, 1978. We were assured the money is in that budget now. I suppose we have to know whether the government has a commitment to bring the library services of this establishment into line in accordance with the recommendations of the report. But on the other hand, until we do engage the services of a librarian, we aren't going to be able to move further in this field.

This concerns me, because we have a library, and we have staff. It seems to me if we believe that library should serve the members so they may better serve their constituents, then we, as members, ought to be speaking out and asking the government for some commitment. I don't think that's an

unfair position for us to take, having already made our first report.

As we go through the recommendations before us, the first one is the recommendation that responsibility for the legislative building be transferred to the Speaker. In my view, as a philosophy, I concurred in that recommendation at the time of the report and I have not changed my mind. I would like to say this, however, that my committee, I think all of the members of it, have expressed their deep appreciation of the attitude of the Minister of Government Services (Mr. McCague) in seeking to resolve some of the very real problems of such things as space allocation, and the matters of the provision of suitable committee rooms to carry on the essential function of this House. While I believe that in the end result there is no question in my mind that for all of the traditional reasons the House ought to be under Mr. Speaker, I feel perhaps at this point we should be asking Mr. Speaker and the Minister of Government Services to jointly chair a committee of their senior staff to try to work out the problems which will be inevitable until such time as some vacancies occur. I don't think it's asking too much that this senior staff be allocated to this purpose; because it is something more than a shuffle we're talking about, there is a great deal of planning involved.

Mr. Speaker cannot oust people from this building very well. There has to be co-operation on where they end up after they leave this building. It seems to me that that might be a logical approach for an interim period, until we see how the planning goes for this building.

How many committees have we had sitting this fall? If we add the Inco committee, which is not sitting at the moment, we've had members' services, statutory instruments, procedural affairs, plus estimates. Are there any others I've left out?

Mr. Gaunt: General government.

Mrs. Campbell: General government, that's one of the estimates committees.

Mr. Speaker has two committee rooms which come within his jurisdiction. That, Mr. Speaker, is a pretty ridiculous situation.

Of course, the Minister of Government Services has been most generous in allocating room 228 when it's needed, and some rooms over in the Macdonald Block when they're needed.

Our report very clearly suggests—in fact the recommendation is: "There should be five medium-sized committee rooms and a sixth small committee room. Two adjacent

medium-sized rooms should be designed to expand into one very large room."

We consulted the Clerk of this House on the possibility of our making a recommendation through members' services to proceed to make the necessary allocations of moneys, or to proceed to do the renovations necessary to create this one large room. There is no doubt that we have the right to make that recommendation, but I suggest that without the kind of linkage between our committee and the Board of Internal Economy we are working at cross purposes, or at least we're working in a vacuum.

Our committee is so busy, our members are so busy, that it is very discouraging to them to sit, only to realize that there is no end result to the recommendations they make or the work they're doing.

We have made, I think, pretty ample recommendations to protect the very real rights and privileges of the government of the province. We do believe, and we have spelled out that we believe, that justifiably the Premier (Mr. Davis) should have his office in this building and that the cabinet should have their space in the building. But we have seen this past summer what I think was one of the most regrettable battles, one that shouldn't have had to take place at all if there had been ample space of a suitable nature for all the members of the House. I regret very much that, notwithstanding the report, no real effort seemed to be made until quite recently, in an overall picture, to try to come to grips with the needs of members.

Mr. Haggerty: You should have seen my office; and Mr. Ruston's office.

Mr. Maecck: I don't understand what you are referring to.

Mrs. Campbell: I will have to go back in history. As you are aware in 1975 as a result of the elections, the New Democratic Party became the official opposition.

Mr. Makarchuk: Did you have to bring that up?

Mrs. Campbell: Their leader at first stated they did not wish to have the offices which have traditionally been set apart for the official opposition.

As I understand it, space was allocated accordingly. Subsequently, the leader made it clear he had not intended quite what was said, but, in fact he did want the space although not for his own purposes.

The Liberals immediately moved out, as I suggest was our obligation, and we started seeking space from the government. We

felt very strongly that was the way in which the space allocation should come. We had no quarrel with what was then the official opposition.

As you know, that was somewhat reversed as a result of the last election. At that point in time a very real, rhubarb I guess you could call it, developed, whereby we were unable to take over what was traditionally the leader of the official opposition's area. We had to wait to try to find out how this problem could be accommodated.

Mr. Kerrio: Besides that, the socialists couldn't believe it had happened.

Mrs. Campbell: I may say, of course, in the meantime, we were successful in pointing out we were very badly disadvantaged, space-wise, after 1975. We did obtain a suite of rooms or a group of rooms on the third floor. The Speaker at that point, not our present Speaker but his predecessor, was the one who had to make the decision. He was in no position to try to allocate space except within the areas under his control. So he allocated space to the third party, removing some of our members from that area.

I am not suggesting he could have done much other than what he did, because he had no other control of the building; but I am suggesting that should not have occurred and we should not be engaged in this kind of confrontation as members of this House.

We recommended in our report that there be allocated approximately 500 square feet per member plus secretary.

Mr. Maecck: No, no.

Mrs. Campbell: I mean the secretary would be a part of that 500, I am sorry. The 500 square feet was to include the member's office plus the secretary, that is what I meant by "plus the secretary".

[8:30]

Certainly I do not know of a committee that analysed this building the way we did on the Morrow committee. We went over every nook and cranny, Mr. Speaker, but the basis on which we came to this conclusion was first to look at what we thought was the need of the member; and secondly the configuration of the building itself, recognizing that there would, of course, be differences because of the building and not because of any desire to give one member any advantage over another.

The new report seems to suggest about 450 square feet instead of the 500. In the normal course I don't think that there is a quarrel with that, except that it might be reduced from that amount; and I think a reduction short of 450 would be intolerable.

Some rooms that we looked at are under 500 and we felt they would be adequate, but once we accept the 450, I think we are in danger of having that further cut.

We just know that members of this Legislature should not be sitting in broom closets. They should have ample space to work with dignity, to see their constituents, to see delegations; and what is more they ought to have a variety of furnishings to suit their special type of operation. It should not be psyched into such a uniformity as we witnessed in the Morrow report where we were advised that you couldn't get shelving because it wasn't in the specifications—this is ridiculous.

I want to say this to the House, I am very sad that there is not a cabinet minister concerned enough with the needs of members to be here tonight. I had hoped that at least the Minister of Government Services might have been here to hear what we have to say about this building.

Mr. Ruston: Send him a telegram.

Mrs. Campbell: It fills me with concern. It may, of course, be attributable to me and not the subject matter, but I am of the opinion that if this is the expression of the government's concern for members' services then we are at a complete loss in our committee to proceed to make a useful contribution on behalf of the members of this Assembly; and I don't think that is an unfair statement.

We have agreed, Mr. Speaker, that we will try to divide up the time uniformly and I have taken now, I believe, almost my half hour. But I do want to say this: coupled with tonight's demonstration of interest, I have the gravest concern about some of those matters which we have already passed, and I am speaking of what is taking place in the private members' hour. I thought every member of the Morrow committee felt that this was an important hour for the private member to be able to give some thrust into the philosophies and the legislative procedures of this House. I have been bitterly disappointed that the government has chosen to stonewall every human rights issue which has been raised thus far in this House, by rising not only with its 20 members but for the most part its whole group.

Mr. Kerrio: We haven't had a free vote; we haven't had one free vote.

Mr. Maeck: Who says so?

Mr. Kerrio: Shame.

Mrs. Campbell: I feel strongly that this is a distortion—of the private member's rights and privileges. Surely it is appropriate that

there be free votes during private members' hour. I congratulate both our caucus and the third party caucus because we have stood in place giving full dedication to the principle of the right of the private member.

Mr. Maeck: Tell us about the kind of bills you brought in and asked us not to veto.

Mr. Kerrio: Stonewalling.

Mrs. Campbell: Let's take a patients' rights bill or a freedom of information bill; those were two bills that were stonewalled.

Mr. Maeck: You knew they'd be vetoed before you brought them in.

Mr. Kerrio: You can't justify your position, no matter what you say.

Mrs. Campbell: Mr. Speaker, all I'm saying is, why can't we have enough dedication to that principle of the right of the private member that that bill may at least go to a vote.

Interjection.

Mrs. Campbell: My own leader's resolution was stonewalled. It seems to me that it would be a great pity if after a period of time the total opposition were to join forces and take the same position, because we would then be playing a partisan game with the right of the individual member to be heard. I would hope, sincerely, that the government would take some note of this and that we might get to the point where we don't whip our caucuses but allow a free vote; because that, I believe, was the intent. In debating this whole matter of 20 members standing, we were not really contemplating 20 members of one party. We were saying that there could be 20 members who rose in their places in any part of the House, in any caucus. But the way it's working now is that 20 members and more—every government member who's in the House at the time—rise.

I'm only raising that, Mr. Speaker, because of my concern that the government is not interested in the debate on these reports.

Mr. Haggerty: As shown by their absence tonight.

Mrs. Campbell: And if they're not interested, I don't know what a members' services committee can do.

Mr. Maeck: How many are there? How many have you got? Don't talk too loud; count them.

Mrs. Campbell: Just a minute; it is the government that has to say what it's going to do about these recommendations because they involve the expenditure of money.

Mr. Maeck: Two NDPs, six Liberals; and you complain about us.

Mrs. Campbell: It is therefore for that reason that they ought to be here, at least as a courtesy to hear what is being said.

Mr. Maeck: Mention how many committees are sitting while you are up.

Mrs. Campbell: Is there a quorum, Mr. Speaker?

Clerk of the House: There is not a quorum present, Mr. Speaker.

Mr. Speaker called for the quorum bells.

On resumption:

Mr. Martel: Mr. Speaker, five years ago the government of Ontario appointed the Camp commission. It said it was interested in knowing how it could improve the role of the back-benchers.

After five years and five reports by the Camp commission, and three reports by the Morrow committee, we have one cabinet minister who gives a damn about the role of the back-bencher in the province of Ontario in 1977.

Mr. Sargent: He doesn't care either.

Mr. Martel: And I must say he came in at 25 minutes to nine, which tells me that the government of Ontario, besides having its trained seals in the back row, really doesn't give a damn about what goes on in this place.

Mr. Makarchuk: That's right.

[8:45]

Mr. Martel: As long as the government has got the bodies to vote for them when they need them, that's as far as it goes. Because the interest demonstrated tonight in discussing the Morrow report—which was a unanimous report, I remind the House; in fact all three reports were unanimous—there were no dissents whatsoever—

Mr. Maeck: Hold it. I made a dissent.

Mr. Martel: I must apologize. My friend from Parry Sound says he made a dissent. I know that in the last report which I have before me—

Mr. Maeck: That's the one I made the dissent on.

Mr. Martel: What did you dissent on? We didn't allow Parry Sound into northern Ontario?

Mr. Maeck: That's how much you know about the report.

Mr. Martel: Mr. Speaker, the member for Parry Sound is getting a little exercised. He will have his opportunity in a few moments.

Mr. Maeck: I am going to take it and I am going to remind you—

Mr. Martel: That's right. That's what it's all about.

Mr. Maeck: —about the members who sat in the lobby when we had the quorum call.

Mr. Sargent: There's no quorum in the front row. They are the guys we should be talking to.

Mr. Maeck: We don't care about the front row.

Mr. Sargent: We do. You don't make any decisions over there.

Mr. Martel: Mr. Speaker, shall I give the whip the floor?

Mr. Gaunt: The wheels of time grind slowly.

Mr. Martel: There was not a cabinet minister here—

Mr. Sargent: You are getting pretty cocky over there.

Interjections.

Mr. Martel: —and the member for Parry Sound can get exercised as much as he wants. Those people who will ultimately make the decisions on whether they improve the role of the back bench or not weren't here and still aren't here. We can't apologize for that and he can't rationalize it away. He can pretend that we don't know the report but we wrote as much of it as he did. Those people who make the decisions which will make the role of the back-bencher meaningful aren't here. It's as simple as that.

They knew that this debate was on this evening. In fact we discussed it with the House leader last Tuesday evening. I suspect the member for Parry Sound is as frustrated as the rest of us at the lack of attendance here this evening, because he worked like the rest of us very hard to try to bring in a report which made sense and which gave all the back-benchers in this Legislature a meaningful role. I suspect some of his over-reaction is as a result of the frustration he experiences with not having cabinet ministers here who can make those decisions.

Mr. Makarchuk: Very perceptive.

Mr. Martel: We came in with three reports which would have changed the role here rather dramatically. We all know the cabinet. Those guys who move from the back bench to the cabinet very quickly forget what it's like in the back bench. They forget that back-benchers need services just as cabinet ministers do, and to obtain the least of the services is a major battle.

I recall two weeks ago spending an eve-

ning with Mr. Speaker and the former minister who recently resigned and the former minister was complaining he couldn't even get a tape recorder. He needed it to fulfil his role as a member of this Legislature, and after weeks of trying he still wasn't in a position to obtain the use of a stenorette in his home or in transit. That's not denied a cabinet minister, if he wants it. If he needs it in his work it's provided. What's wrong with providing it for the back-benchers? I mean, it's stupid.

Everything that goes on with respect to services for back-benchers is in the 19th century. You have to fight like hell to get anything, and that's on all three sides of the House. That's no more so on this side than it is over on that side of the Legislature. I ask those people who could make those changes possible, if they were interested in what goes on in their ranks as we are in ours, where are they—

Mr. Makarchuk: Do you believe in democracy?

Mr. Martel: —to make those decisions which would make it easier? I think it's time that if the member for Parry Sound is going to get up to speak that he speaks the way he did in committee. He should not come out tonight and defend the fact there are no cabinet ministers here, with the exception—

Mr. Makarchuk: With the exception of the Minister of Housing.

Mr. Martel: —of my friend, the Minister of Housing, who like me comes from northern Ontario and shows a much greater concern.

Mr. Davidson: Rhodes showed up in the last five minutes.

Hon. Mr. Rhodes: That's a bunch of garbage and you know it.

Mr. Germa: At 25 minutes to 9.

Mr. Davidson: I said you showed up for the last five minutes of the member for St. George (Mrs. Campbell).

Hon. Mr. Rhodes: You can't even tell the time, dummy.

Mr. Deputy Speaker: Order.

Mr. Martel: The Morrow committee came to the conclusion that if we were ever going to obtain—

Mr. Makarchuk: It's a good thing John isn't a member of the Albany Club. Every time you go there, they disinfect it afterwards.

Mr. Martel: —services for members we were convinced that Mr. Speaker had to be in charge of the building—totally; that we would have to go through Mr. Speaker and

the Board of Internal Economy so that members wouldn't be played off between Government Services and the Board of Internal Economy and Mr. Speaker and what not. There had to be a focus. In most legislatures you find that Mr. Speaker is totally in charge of the building and what goes on within the confines of that particular building.

Part of our problem is that it doesn't happen here. When we need quarters for members or their staff—and to the credit of the new Minister of Government Services (Mr. McCague), he is prepared to do it—we have to fight to get some space. Former government ministers in that capacity really didn't care. We fought with them continually. But the new minister, to his credit, is trying to obtain space for the members.

But if Mr. Speaker were in charge of this building, the fact that Mr. Speaker is neutral—

Hon. Mr. Rhodes: Is he ever!

Mr. Martel: He certainly is. I want to say he is much more neutral than some of the Speakers I have seen over the years that I have been here.

Mr. Maecck: Watch it, watch it.

Mr. Sargent: Look at the policeman over there.

Mr. Martel: I want to tell you, if he were in charge and being neutral, he would have to look after everybody's interests in the same manner. But that doesn't happen when it comes under Government Services. And what has been the experience around here? Forgetting the role of the private member, for one thing. Look at the building, look at what Camp wrote about the building.

Hon. Mr. Rhodes: Beautiful.

Mr. Martel: He couldn't find enough adjectives to illustrate how badly this building had deteriorated—with the paint falling off the walls.

Mr. Makarchuk: Even the pigeons departed from it.

Mr. Martel: Like rats from a sinking ship. Even the pigeons won't stay with us—it's so bad.

Mr. Germa: You guys are really in trouble.

Mr. Martel: Camp wrote an entire section on the building and what has happened. Camp came in with a report in 1972, a report in 1973, a report in 1974 and the government had ample opportunity to act on it. They acted on the first two or three volumes themselves, but to slow down the process they sent the remaining two to a select committee, and it has just taken that much longer. The

government uses it—most governments do—as a kind of vehicle which impedes the implementation of the various recommendations.

It's a sop because the government could have acted on Camp four and five if it had wanted to. It could have improved this building. This building is supposed to be a representation of the provincial capital; this is supposed to be the capitol for this province; it's a horrible building.

I've been here 10 years and down on the main floor are the same exhibits that were there 10 years ago. We have got that chunk of rock from Cabalt—

Mr. G. I. Miller: Elie, it's a beautiful exhibit.

Mr. Martel: —and we've got an old stuffed ermine, and we've got a few other vermin down there. It hasn't changed in my 10 years. I suspect it was there, Murray, when you came some six years before I did. It hasn't changed a jot. The only thing that has occurred is that the building has continued to deteriorate.

Mr. Sargent: It is a sleazy operation.

Mr. Martel: As is mentioned, interestingly enough, in other reports, we've built Ontario Place, we've built Ontario Hydro down the street—

Mr. Maeck: Minaki—don't forget about Minaki.

Mr. Martel: Minaki Lodge, yes—and the province's capitol—the building which houses the members—is allowed to deteriorate beyond the pale. Tonight when we could, hopefully, get from the government its indication as to whether it intended to improve conditions, nothing. We don't even get a cabinet minister in. That's a disgrace, because what else did we talk about?

Mr. Makarchuk: They're all over at the Albany Club.

Mr. Martel: Not only did we talk about Mr. Speaker having jurisdiction, that this entire building should be renovated, but we should make it—as other provinces have—a historical building where we would show part of the history of Ontario, maybe on a rotating basis, so that the captive audiences that come here—the students who are forced to come down here day in and day out—might see some of the history of this province. All they see is an old stuffed mink or something down the hall and a piece of cobalt. That's it.

The chamber itself, if one looks around, could use some improvement. It hasn't been changed, I guess, since Moby Dick was a minnow.

Mr. Baetz: You've been here 10 years too long, Elie.

Mr. Martel: Well, Reuben, you won't do anything about getting me out of here, I want to tell you.

Mr. Elgie: But what if he can?

Mr. Baetz: Great guy—you should stay.

Mr. Martel: This building, this part of the quarters, should in fact be improved. There's a whole series of recommendations. We made a whole series of recommendations with respect to meeting rooms. If we'd had representation come before the Inco committee last week, we wouldn't have had a committee room big enough to hold the people.

Hon. Mr. Rhodes: Let's adopt the report.

Mr. Martel: Would you like to adopt the report? Move its adoption and I'll second it. No, they won't let me. But I'll second it if you'll move it, John.

Hon. Mr. Rhodes: I'll go along with that—you're not much of a mover.

Mr. Martel: You may be right. There are people around who are better.

Mr. Sargent: The minister isn't moving much on housing.

Mr. Martel: The committee rooms in my opinion are a disgrace.

Hon. Mr. Rhodes: Make up your mind, Eddie—you said there were too many, now you say there aren't enough.

Mr. Martel: You've got microphones that fall over if you happen to sit down at the wrong angle at the table; if you happen to joke, everything falls over. They're dumps. I can't describe it any better.

Hon. Mr. Rhodes: That is because you guys spill coffee all over them.

Mr. Martel: There isn't a municipal council in this province that has worse quarters to work in than the members of this Legislature. People come in from across the province to those committee rooms. It's a disgrace, it really is. Wires strung along the floor—

Mr. Makarchuk: We tell them that the Premier (Mr. Davis) is in charge.

Mr. Martel: —and you've got to tape the wires to the floor so they'll stay in place. My God, it's a disgrace.

Mr. Breithaupt: You tape the carpets down.

Mr. Martel: Yes, when the carpet's tear, we tape them together. We don't replace them—we tape them.

Mr. Sargent: You should see John's office.

Mr. Martel: I've heard of austerity, but that's carrying it to the ridiculous.

Mr. Makarchuk: Ontario Housing is better than that.

Mr. Martel: My friend the member for Grey-Bruce makes the point. He makes the point.

Mr. Makarchuk: It's shoddy.

Mr. Martel: Mr. Speaker, if we were to go over to the cabinet ministers' offices in other areas—

Mr. Baetz: You never will, Elie.

Mr. Martel: I was over at the Minister of Housing's office and I sank right to my knees in the rugs. They were so deep they have to cut them. It grows, I suspect.

Mr. Makarchuk: That's okay, he sleeps on them.

Mr. Sweeney: Only three inches deep.

Hon. Mr. Rhodes: On a point of privilege, Mr. Speaker. That is absolutely not correct. He didn't sink to his knees in the carpet—he was on his knees, begging—

Mr. Deputy Speaker: I don't think the hon. member has a point of order.

Mr. Martel: The rugs are so good that I didn't tear my pants, anyway.

Mr. Makarchuk: He didn't admit the fact that he sleeps there overnight.

Mr. Davidson: If the minister asks him, maybe the Premier will buy him a lawn mower.

Mr. Martel: If one were to make comparisons in the facilities available for committees to meet there and one were to walk across the way to the Macdonald Block, they're vastly different.

Mr. Sargent: You should be ashamed of yourself.

Mr. Martel: Here's where we bring in the people of Ontario to come before committees and so on. It really isn't a joking matter when the microphones are falling, when you tape them to the floor—it's ridiculous. We can spend \$28 million on Ontario Place. How much for Gerhard Moog's mausoleum down there?

Mr. Sargent: Forty-three.

Mr. Martel: Forty-three million. And we can't renovate this building one jot.

Hon. Mr. Rhodes: Nationalize the building.

Mr. Martel: Or Minaki. We nationalized Minaki because it was going broke.

Mr. Makarchuk: They had to pay off a mortgage to the Americans.

Mr. Davidson: They've spent more on Minaki than they've spent on this place.

Mr. Deputy Speaker: Order. The member for Sudbury East has the floor.

Mr. Martel: We also suggested that the

Lieutenant Governor should move. The members are short of space and you've got 7,000 square feet of space in that corner. In this province we need to have proper quarters for a Lieutenant Governor—

Mrs. Campbell: A residence.

Mr. Martel: —a residence, and our friend from the Liberals got rid of Chorley Park. Now we have nothing. So we take up 7,000 square feet of valuable space over here, which could be used for legislative purposes, so that Her Honour can have a half-decent place to carry out her functions. But in fact that isn't adequate. We suggested that she should be moved out to a more suitable setting—close to the building—and make that space available to members.

Mr. Makarchuk: Sutton Place.

[9:00]

Mr. Martel: It might be committee rooms, it might be for a variety of uses, but we had to do it. Again, those people who are responsible for making the role of the back-bencher—I hate to repeat it, but they are just not here. That is the frustration for me.

Mr. Germa: John is here.

Mr. Martel: We also talked about television. What you see up there, Mr. Speaker, was recommended on a trial basis back two years ago—introduce TV into the Ontario Legislature. Well, look at it. The same junk, two years later. No decisions have been made, although it was recommended in report one and report three of Morrow that we should determine whether we are going to have permanent placement for those cameras. Are we going to have to suffer through the heat and those crazy lights every day? Nothing is done. Nothing is ever done.

Mr. Makarchuk: Lots of heat but no light.

Mr. Martel: It just goes on and on and on. We talked about the library; I can understand my friend from St. George being upset about the library. We had to do some unpleasant things when we brought in the report with respect to the library.

Those of us who worked on that select committee were not happy with some of the things we did to make that library into a legislative library. Three-quarters of the material back there belongs in a library like the John Robarts; it doesn't belong in a legislative library, which should be providing research material for members, documents, the latest legislation in other jurisdictions—with research staff to help you find the appropriate material.

Three-quarters of it is newspapers from England, a hundred years old, all kinds of

novels. What in God's name is it doing back there? No one ever uses it.

Mr. Elgie: History.

Mr. Martel: Well, put it in a historical library then. Don't leave it here.

Mr. Davidson: Put it in the archives.

An hon. member: It's antique.

Mr. Martel: Oh no, it's not. My friend is wrong. That isn't—well, maybe it is—maybe I am wrong—maybe it is a historical library, and we have no intention of bringing it into the twentieth century, making it a useful instrument for members of the Legislature and the cabinet. The cabinet is better served though, because each member has a library in their specific ministry, with research. Which brings me to the next point, research.

Mr. Hall: Colouring books, too.

Mr. Martel: I think that what goes on in Ontario for research for this side of the House, and for the back-benchers on that side of the House, is crazy.

Mr. Makarchuk: Peanuts.

Mr. Martel: It is just nuts. We have four researchers in the New Democratic caucus. I will bet you every cabinet minister has a research staff that is bigger than the combined research staff of the New Democratic and the Liberal parties in Ontario in 1977.

Mr. Sargent: How many, John?

Mr. Martel: The minister shakes his head. I would like the government to put together for me all the people—

Mr. Makarchuk: Let it be acknowledged, the only minister.

Mr. Martel: —doing research in all the ministries. If we want a Legislature that makes sense, we have to have informed members. If we are to get away from the petty jockeying, the cheap shots, and get down to doing what we are here to do, and that is to bring in responsible legislation and have responsible criticism of that legislation, or offering of better alternatives. We cannot do it if you don't have the research.

We have four researchers. By the formula, if you happen to be the third party by one seat, you get \$1,000 a year less per member for research staff. It means that over here we have \$34,000 less for research staff, because we have one fewer member. That makes sense, doesn't it?

Mr. Maeck: Did you complain last year when you had one more?

Mr. Martel: Last year, my friend, you sat on a select committee with me, and I was one of those who advocated one researcher for every member in this Legislature. I

waited for you. I knew you were going to say that. I waited.

Mr. Maeck: What did you say about the Liberals last year?

Mr. Martel: I advocated then as I advocate now, that every member of this Legislature needs a graduate university person capable of doing research, so that members are informed.

Mr. Rotenberg: You need someone to make up your mind for you, do you?

Mr. Martel: I don't need anybody to make up my mind for me.

Mr. Rotenberg: Why don't you do research on your own instead of speaking so much?

Mr. Makarchuk: You are a bunch of Neanderthals. You don't believe in research. It is fine over on that side of the House.

Mr. Makarchuk: The rehash crowd over there.

Mr. Sargent: This isn't city hall, Toronto; you've got to work here.

Mr. Rotenberg: Not when I was there they didn't.

Mr. Martel: That's right, they didn't have any researcher, you are right. That's obvious. They kept coming to the province to bail them but every time they were in trouble. We in northern Ontario could have used just a little bit of the money that's squandered in Toronto.

Mr. Rotenberg: You are right. But that is in the last five years since I left.

Mr. Martel: And it was you guys who blew it. You were there with them.

Mr. Makarchuk: Remember the ditch?

Mr. Martel: I remember you.

Mr. Makarchuk: How much did it cost you?

Mr. Martel: For the province, \$50 million.

Mr. Deputy Speaker: Order, the member for Sudbury East has the floor.

Mr. Martel: You are right, Mr. Speaker, I appreciate your bringing me back to the point. I suggest that if we are going to make any type of meaningful inroads into making this a Legislature where we work from all being informed, it's by making the improvements that we are speaking about—research staff, an improved library, and as in the last report, maybe the critics travelling with the minister so that they see what he sees, so you don't argue about useless junk but you get to the meat of it. It is too important and too complicated, and critics should be travel-

ling with ministers—as silent observers, not as spokesmen—so that all are informed.

I think when we do that we will have a much more meaningful Legislature for all of us, be it the government and its back-benchers, or be it the opposition and the third party and its back-benchers. The roles will change significantly and we will stop being social workers in this province and maybe we will begin to be legislators.

I think that initially most of us thought we were coming here to do that. But most of us have found out over the years we have been relegated to the position of social workers—but not professionals because we are not graduates.

Mr. Baetz: There's nothing wrong with social workers.

Mr. Martel: Sorry, Reuben, I forgot you were here. I didn't want to offend you, Reuben.

But that is what the role is around here, and I think it must change. It must go back to being legislators, where we try through, not individual effort on behalf of certain constituents but through improved legislation—

Mr. Baetz: Wisdom, Elie, wisdom.

Mr. Martel: —to clear up the problem so that we help large masses of people—

Mr. Baetz: We need statesmen, Elie, statesmen.

Mr. Martel: —by new legislation or improved legislation rather than us continuing to be in the role of social workers.

I hope now that we have three cabinet ministers—glad to see you, Harry—they will take the message back to their cabinet colleagues and say, "Let's tell the Legislature what we are prepared to do in the next couple of days with respect to the implementation of Morrow five so that we can make this a more meaningful place." I leave that as a challenge to my three friends who have now joined us.

Mr. Makarchuk: Who have deigned to join us.

Hon. Mr. Rhodes: Why are your leadership contenders not here to tell us what they would do?

Mr. Martel: They are leaving.

Mr. Maeck: Mr. Speaker, I will try to control myself. First of all, let me say that my signature appears on the report as do those of other members of this Legislature—

Hon. Mr. Rhodes: That makes it valid.

Mr. Maeck: —and I agree with what is contained in the report. But I disagree very

much with the approach the members of the opposition are taking in trying to convince the government to adopt the report.

Mr. Wildman: You initiated it.

Mr. Maeck: I certainly did and I agree with what is in the report. But I don't agree with the threats that we receive from members of the opposition in trying to induce the government to adopt it. I think we could do a lot better job—

Mr. Mackenzie: Maybe we shouldn't adopt some of the laws the government wants.

Mr. Maeck: —if we were to point out the position of the report and ask the government to move on this matter. All we have done up to this point is antagonize everyone, including me who was a member of the committee. I just don't understand what both opposition parties are driving at. As far as I am concerned it doesn't make sense.

Mr. Hall: Why don't you induce the government?

Mr. Grande: Just implement it, that is all.

Mr. Maeck: The member for St. George talked about the parliamentary library.

Mr. Mackenzie: I'll trade offices with you, Lorne, or any other Tory.

Mr. Maeck: I don't disagree with that. I signed that report. I agree there should be a new parliamentary library and I agree we should be updating our library. That motion that was presented to this House has come before the Board of Internal Economy on two occasions. We are looking at that.

I believe this will be instituted eventually, but there are certain things that have to be done. I have some reservations about hiring a librarian until the government has adopted the position that it is going to continue on and upgrade the whole library system. There's no point in hiring a librarian of the calibre we're talking about unless we are prepared to go the rest of the route and do the things that are necessary to upgrade our library.

Mr. B. Newman: That is that chicken and egg story.

Mr. Samis: That's a circular argument.

Mr. Maeck: This requires some time. The government has not said it is not going to hire a librarian. Mr. Speaker has not said that.

Mr. Haggerty: He has not said anything.

Mr. Maeck: The Board of Internal Economy has not said that. Let's move in a proper manner and make sure that when we do hire a new librarian, they will have terms

of reference so that they know what they're going to be asked to do when they're hired.

Mr. Mackenzie: Oh, remember your rights.

Mr. Maeck: There's really no conflict in that at all. As I say, I agree we should be updating the library. I don't argue with that point at all.

We talked about the Minister of Government Services and space allocation and I believe the new Minister of Government Services (Mr. McCague) has been making an honest effort to find space allocation for the members. He has also included in his itinerary—the things he is looking at—the committee rooms. I agree with members of the opposite party that it's very important to have proper committee rooms; if we don't have them this Legislature is not going to operate in a proper manner.

The Minister of Government Services has already made the commitment that he's going to look into this, that he is going to come back by February 10 with either a report or a decision. I don't know which it is at this point in time, but one or the other—

Mr. Davidson: What's the purpose of that committee then?

Mr. Maeck: —so that the members will have proper space, that we will have proper committee rooms. So I don't see that as an urgent issue. I believe it has to be done. I believe certain things have to be done. The minister has to investigate it properly and come up with a proper solution to the problem. I think that's being done.

Mr. B. Newman: What do we do if you change ministers?

Mr. Maeck: If we change ministers, I would be very hopeful that the new minister would carry on with the program that's been started by the previous minister.

Mr. Sweeney: You've got more faith than we have.

Mr. Maeck: Well, okay, what if we change Speakers?

Mr. B. Newman: But you see, we've done this in the past.

Mr. Maeck: It's the same thing. I'm not against the Speaker eventually taking over this building and looking after the allocation of space and all the other things that go along with the management of this building. But I believe that right now if we were to ask the Speaker to take over this building, a lot of conversations would have to be carried on between the Speaker and the Minister of Government Services and it would delay the whole process.

Mrs. Campbell: What about my suggestion about a committee?

Mr. Maeck: I don't see the necessity for that.

Mrs. Campbell: How do you plan?

Mr. Maeck: After all, we do have a Minister of Government Services who I think is quite capable, with his staff, of planning this. We have submitted a report indicating what we feel should be done as far as space allocation is concerned. I'm sure the minister will take that report into consideration. We've gone to the point where we've even indicated the amount of space that's available, where it's available, what we suggest should be used. I'm sure the minister will—

Mr. Davidson: He told us he couldn't do anything about that. He didn't have any say.

Mr. Maeck: I don't know what the minister told you, but I'm sure that the Minister of Government Services—

Mr. Davidson: You'd better listen to the tape.

Mr. Deputy Speaker: Order, please.

Mr. Maeck: —has the right to make those decisions at this particular time.

Mrs. Campbell: He can't make those decisions, so he said.

Mr. Deputy Speaker: Order, please. Would the member for Parry Sound not pay attention to the interjections?

Mr. Maeck: That's a good idea, Mr. Speaker. I'll try not to do that.

Mr. Davidson: Just listen to the tape.

Mr. Maeck: I am not too interested in what happened on the tape. I'm only telling the members that the Minister of Government Services does have the right to make those decisions at this particular time.

[9:15]

Mr. Davidson: I'm glad you said that. I'm glad I got what you said. You are not interested in what he said on the tape.

Mr. Maeck: The member for St. George talked about the space allocation and what happened after the election was concerned and the arguments that ensued between the NDP and the Liberal Party about space allocation. I only say to the member for St. George, we are all adults in this House. When the 1977 election was over, the Conservatives came in with six more members. The NDP and the Liberals came in with six fewer and, surely, they have the ability to sit down between themselves and decide on how they're going to allocate space. Why do they need more space, when they were the losers in the last election?

Mr. Wildman: You were the losers.

Mr. Maeck: The Conservatives didn't ask for more space for their six extra members.

Mr. Davidson: You allocate space by power.

Mr. Maeck: I just don't understand why the Liberal and the NDP parties could not get together and decide how the space was going to be allocated.

Mr. Makarchuk: It's not "the NDP party." It's "NDP."

Mrs. Campbell: Let's do it now.

Mr. Maeck: Why don't you?

Mr. Wildman: Because you're the government.

Mr. Maeck: But the fact is, the members should get together and decide how the space is going to be allocated. The responsibility should not have been placed before the Speaker or anyone else.

Mr. Wildman: Why didn't you give the Speaker control in this Legislature?

Mr. Maeck: The members opposite know how many offices they have, how much space they have. They know how many members they have and they also know they have six fewer members between them than they had before the last election.

Mr. Davidson: We also know how much space you have.

Mr. Maeck: Surely the parties have the space. It's just a matter of getting together and deciding how they use it.

Mrs. Campbell: That's the way you run the Legislature.

Mr. Maeck: There was no allocation of additional space to us after the last election.

Mr. Davidson: You didn't need it. You already had too much.

Mr. Maeck: That is not so.

Mr. Samis: Compare the size of our office with yours.

Mr. Wildman: You have to get into ours with a shoehorn.

Mr. Maeck: We talked about the private members' bills and the fact the government is voting as a party as far as private members' hours are concerned. We talked about the fact that the government vetoed some of the private members' bills. I would suggest to the members of the opposition that if they brought in bills that were, in effect, actual private members' bills, they wouldn't be faced with this situation.

Mr. Davidson: Don't be so foolish.

Mr. Maeck: They know as well as I do that when they bring in the type of bills which

they bring in, in most cases, they're either going to be vetoed or voted against. They know that before they bring them in. They also know that they bring them in only to try to embarrass the government. That's the only reason they bring them in.

Interjections.

Mr. Deputy Speaker: Order. Order.

Mr. Maeck: If they would bring in private members' bills that are truly private members' bills, they would not be faced with a veto or with the government voting against them.

Interjections.

Mr. Maeck: We don't care what the members bring in, but let them not complain to us when we decide to vote against them. That's part of the parliamentary procedure around here, and it's time the members opposite realized it.

Mr. Deputy Speaker: Order. I'd just like to remind the members and, particularly, some of the members who are not in their own seats that it's the tradition of this House that they must speak only from their own seat. The member for Parry Sound.

Mr. Maeck: And I can't go by without referring to the two quorum calls that were called tonight, particularly the last one when the NDP saw fit to leave one member in his seat and leave the rest outside.

Mr. Davidson: Two.

Mr. Maeck: One.

Mr. Davidson: Two, the Speaker and I.

Mr. Maeck: He is not one of your members.

Mr. Davidson: The member for Sudbury East and myself.

Mr. Maeck: You were not here.

Mr. Makarchuk: I told him to be here. He was here.

Mr. Maeck: I specifically looked over. The only member who was there was the member for Sudbury East.

Mr. Deputy Speaker: Order, please. Would the member for Parry Sound direct his remarks through the Chair?

Mr. Maeck: Yes, Mr. Speaker. What I want to draw to your attention was that there was a quorum call tonight, the second quorum call, in which the NDP had one member in his seat and eight who came in after the the four-minute bell had been stopped in order to try and embarrass the other members, the Liberal Party and the Conservative Party.

Mr. Davidson: Two members.

Mr. Maeck: I want that to show on the record.

Mr. Davidson: We were out looking for cabinet ministers.

Mr. Sweeney: Why was it necessary?

Mr. Davidson: A Liberal member moved the quorum call, not the NDP.

Mr. Maeck: I am sick and tired of listening to those people over there complaining about what the government does.

Mr. Sargent: Point of order, Mr. Speaker.

Mr. Maeck: You haven't got a point of order either. There's nothing out of order.

Mr. Deputy Speaker: What's your point of order?

Mr. Sargent: The member for Parry Sound, Mr. Speaker, is misleading the House for the fact is we did not have a cabinet minister in the House. The motivation was a good one because we want to talk to cabinet ministers and there was none in the House. It was a good move on the part of the NDP. We don't object to that.

Mr. Deputy Speaker: The member for Parry Sound.

Mr. Maeck: Mr. Speaker, before I proceed—

Hon. Mr. Rhodes: Mr. Speaker, on the point of order, the hon. member for Grey-Bruce, as usual, is away off somewhere on cloud nine. I was in the House when the quorum call was made.

Mr. Sargent: No, you weren't, John.

An hon. member: He wasn't.

Hon. Mr. Rhodes: Yes, I was right here.

Mr. Deputy Speaker: Order, please. I think we are all offbeat a bit. I don't really consider this a point of order. The member for Parry Sound.

Mr. Maeck: Mr. Speaker, before I proceed, I still want to speak to the point of order.

Mr. Deputy Speaker: Order.

Mr. Davidson: On a point of privilege.

Mr. Deputy Speaker: The member for Cambridge, a point of privilege.

Mr. Davidson: Mr. Speaker, in the member for Parry Sound's speech, he commented at the time of the quorum call there was only one member sitting here on behalf of the New Democratic party. I would like the record corrected to show the member for Sudbury East and the member for Cambridge were in their seats at the time of the quorum call. I can't help but put it in the context that if the member for Parry Sound cannot take the time to look around and find out

what's going on, then perhaps he shouldn't make statements to the effect that there was only one member in his chair at the time.

Mr. Deputy Speaker: The member for Parry Sound.

Mr. Maeck: Mr. Speaker, I don't know now whether I am speaking to the point of order or the point of privilege—

Mr. Makarchuk: I would shut up if I were you.

Mr. Maeck: —but I want to speak to the point of order first.

Mr. Sweeney: This is a farce, Mr. Speaker.

Mr. Deputy Speaker: Yes. I will recognize the member for Parry Sound to continue his remarks.

Mr. Maeck: Mr. Speaker, before I continue, I have been accused of misleading the House by the member for Huron.

Mr. Gaunt: On a point of order, I ask the member to withdraw that.

An hon. member: You are out of order.

Mr. Maeck: As you know, Mr. Speaker, that is unparliamentary. Nobody in this House can be accused of misleading the House and I ask the member to withdraw it.

Mr. Deputy Speaker: The member for Grey-Bruce has withdrawn it.

Mr. Maeck: He has. Fair enough. And as far as the point of privilege is concerned—

Mr. Makarchuk: Point of order. Speaking to the point of order raised by the member for Parry Sound, I think the record should be set straight. The reason a quorum call was raised in this House was the fact we were dealing with matters relating to this Legislature, how it operates, what the members' privileges are, the whole problems of the province of Ontario. At that time, there was not one single cabinet minister listening to what was going on, and consequently that is why that quorum call was called.

An hon. member: You were not here.

Mrs. Campbell: Mr. Speaker, on a point of order, Mr. Speaker, if I may. This debate was called to deal with the matter of members' privileges and I for one am appalled that we are going off on all these points. Why can't we get back to the debate and carry on with it?

Mr. Lane: You started it.

Mr. Maeck: Mr. Speaker, I would very much like to get back to the debate. Surprisingly enough, members have risen on a point of order because there were no ministers here. I must tell you it puts me in a

relatively bad position as government whip that there were no ministers in this Legislature. I am embarrassed by that.

Hon. Mr. Kerr: Lorne, don't make an issue of it.

Mr. Maeck: I am making an issue of it because it's time the ministers were in this House when an important matter is being debated.

Mr. Makarchuk: Why not? You let him carry the bloody load. You just get off your backside and get down here where the business is conducted and tell some of your friends.

Mr. Maeck: I agree with the member for Sudbury East (Mr. Martel) and the member for St. George (Mrs. Campbell) that there should be someone in this House with authority listening to this very report.

I try to be honest when I speak. I am not trying to denigrate the members of the opposition. I believe if we are going to have a meaningful debate, I want ministers to know what is going on and what is contained in the report that we are debating tonight.

While I am the chief government whip, I still condemn the ministers for not being here—at least some of them.

Mr. Germa: Let's call a quorum.

Mr. Maeck: Actually, I am disappointed in the cabinet's response to this debate, I really am.

An hon. member: What are we debating?

Mr. Maeck: That's just exactly the point.

Mr. Wildman: Get the Minister of Northern Affairs (Mr. Bernier) in here.

Mr. Maeck: I would like to talk about one further point, and that is the committee rooms. I believe the committee rooms the members now have in this Legislature—and I agree with the member for Sudbury East—are a disgrace. They do not have the facilities that are necessary to carry on a proper function here in the Legislature. That is why I signed the report that we are debating tonight.

In essence, to sum up, I have not changed my mind. I'm not in disagreement with the report as it has been submitted to the House. I do take exception to one point that the member for Sudbury East made.

Mr. Baetz: Who isn't here.

Mr. Maeck: No, he isn't here. But he did say it was a report that was unanimous. And there was one little item in there—it wasn't a major item—which I did disagree with, and it is so recorded. But it's not a major thing.

With that I think I will conclude my remarks. I hope that before the debate is over we will have more cabinet ministers in to hear what is going on.

Mr. Gaunt: I certainly consider this to be a very important debate. As the member for St. George indicated there certainly have been some major problems with the implementation of this report, yet the subject of members' privileges is an important matter and it should be so considered by the front bench on the other side. I think the importance of this debate and its significance in terms of government response is certainly disappointing. When we started off and continued almost until 25 minutes to 9 there wasn't a cabinet minister in here to listen to this debate. For that, I am truly sorry and I think the government whip has expressed the disappointment very adequately.

I don't want to take long because there are others who want to speak, other colleagues of mine who wish to participate in this debate. Since we only have approximately an hour left, I will just take a few moments.

I did want to touch on one matter which I felt other members perhaps wouldn't mention. It is the recommendation having to do with the citizens inquiry branch. As members will know, the report recommended that the citizens inquiry branch within the Ministry of Culture and Recreation should be cut off. Its function was no longer necessary according to the members of the committee, of which I was one.

[9:30]

In that recommendation, I think it was indicated that, basically, the circumstances have changed considerably since the branch was established. It was established in 1972 under the Ministry of Government Services and then it was moved to the Ministry of Culture and Recreation on April 1, 1975. During that five-year period, the circumstances have changed. The function of the branch has changed, I suggest. That change in circumstance and function is reflected in the recommendation in the report to cease the operation of the citizens inquiry branch.

Initially the branch was set up for a logical and legitimate purpose. It certainly performed that purpose very well in the early days. But since the creation of the Ombudsman's office and the establishment of constituency offices to assist members, those two things have substantially altered the subject and direction of public inquiries.

I was interested in what the Ministry of Culture and Recreation had to say in its annual report of 1976-77 with respect to the

citizens inquiry branch. Essentially they're saying that the citizens inquiry branch is a referral service for information regarding all Ontario government ministries and agencies. It acts as an information clearing house for all sorts of people, private organizations, civil servants, individuals and co-ordinates that information and service to other groups unable to do so for themselves.

Perhaps the most important function of the citizens inquiry branch has been the publishing of the KWIC index to the government of Ontario. The branch issues a brochure entitled *Your Ontario Government*, and I found that most helpful. It's well done and it's certainly most helpful in listing the programs, addresses and telephone numbers of all the government ministries.

The annual report mentioned that the branch processed approximately 1,380 inquiries per month, many of which were referred by government offices through Ontario. The information desk, which we all see when we go through the various government buildings, directed more than 190,000 people to government offices or personnel. That function could be performed by Government Services. Government Services would certainly be the most appropriate ministry, or it could be performed, I suppose, by the information service of Culture and Recreation—or more appropriately, certainly in this building, at any rate, it could be performed under the jurisdiction of the Speaker's office. So the fact that the citizens inquiry branch carries on that function certainly isn't a reason for its existence, by any stretch of the imagination.

Then I noticed that the Wintario grants information office has become part of the citizens inquiry branch. That just underlines and underscores what I've really always believed about this government—the fact that once something is created it's never cut off. It never ceases to operate.

Parkinson's law comes into play and if the government senses that a particular branch of government or a particular function in government is really receding in importance, they simply draw other functions to its aid and hope that it continues in perpetuity. I sense that is what is going on with the citizen's inquiry branch. Somebody has said: "Look, this branch is falling in importance and we are going to have to cease its operation unless we can do something to beef it up." Beef it up they did. And this is what has happened.

There is no reason in my view why the Wintario grants information office should

be part of the citizens inquiry branch. Surely that function could be handled from the Minister of Culture and Recreation's own information office, rather than funnelling it through the citizens inquiry branch.

The government certainly should take a look at that because the expenditure for the 1977-78 fiscal year is some \$13,704,200. Now, not all of that is citizens inquiry branch work. There are these other functions that have come in and, of course, reflect themselves in this particular vote.

I am guessing, because I tried my best to get information as to how I could separate the functions. You simply cannot do it because these other functions are lumped in. There is not even an item shown in the estimates this year of the Ministry of Culture and Recreation as "citizens inquiry branch", it is lumped under "community information." I suggest that certainly that is one area where the government could save some money. I think they could perhaps perform a function that my leader suggested should be performed in government from time to time in putting forward his "sunset" motion.

When these things are created they just go on and on and grow like Topsy. Ultimately, we are dealing with an animal which bears absolutely no resemblance to the initial creation, either in function or in expenditure.

I'll switch very briefly to a couple of points I wanted to mention. These have been alluded to during other debates at other times. I think the member for Ottawa Centre (Mr. Cassidy) has talked about this a number of times.

I want to support the member in what he said with respect to the government of Ontario making an approach to the federal government with respect to members being able to contribute to the Canada Pension Plan. I think it is important in the sense that many members actually contribute legislatively, and as a service to the public of Ontario, during their best years. That being the case, it seems to me that it is unfair, and unjust, not to allow those members who perform in this place year after year to contribute to the Canada Pension Plan. Because of course, if they do not contribute they cannot draw when they become 65. They cannot draw if they should become disabled prior to age 65, because under the terms of that legislation one has to contribute for at least three years before one qualifies.

I cite an example in my own party—the member for Renfrew North (Mr. Conway), who is a very young gentleman and who essentially got elected right out of university. If he should be fortunate enough, and I

think he will be, to be around these hallowed halls for 30 years—

Mr. B. Newman: Right, as long as he wants.

Mr. Samis: Thirty? That's not fair.

Mr. Gaunt: —he won't have had any opportunity, given the present circumstances, to contribute to Canada Pension. If he should happen to fall victim to a disability at the end of that 30-year period he wouldn't qualify for any benefit under Canada Pension at all and I think that is unfair.

The same case can be made for members who come out of business and who have contributed either as an employer or as an employee and come in here. They serve their province and in so doing their CPP contributions are interrupted for the period they spend in their legislative capacity. It seems to me that it is not proper. It is not right. Surely, that's a problem that could be resolved through some negotiation with the federal authorities. Other provinces do it, and I believe at the moment Ontario is the only province where members of the Legislature are not permitted to contribute to the Canada Pension Plan while members. I think that change should be made.

The other matter, the matter of severance benefits, is perhaps not important to some members but I think there should be some uniformity with respect to that matter. Severance benefits apply to people who are defeated or whose ridings are redistributed out of existence, but members who do not seek re-election are not given that severance benefit. It seems to me that severance benefits should apply equally to all members whether the member chooses not to seek re-election, whether the member is defeated or whether the member's riding is redistributed out of existence.

Mr. B. Newman: Severance is severance.

Mr. Gaunt: The severance amount may vary. I think at the present time the member who is defeated qualifies for six months' severance pay, but if it applied to all members perhaps the government would wish to reduce that period to say three months. Frankly, I think it should be left at six, but it should apply equally right across the board. I don't think there should be any distinction there at all.

I have taken my 15 minutes, Mr. Speaker. I make the plea to the government and to the front bench across the way that we spent a lot of time on this report; we agonized and did a lot of debating and there was a lot of discussion over certain aspects of the report. We felt basically we came up

with a good report. It was a report we felt would enhance the role of the member legislatively. It would enhance his ability to perform his function effectively and more efficiently in the scheme of things. We hope that the government will give it some serious consideration and hopefully implement all or most of the recommendations it contains.

Mr. Bounsall: Mr. Speaker, my concerns about the situation we find ourselves in in the Legislature date right back to the time shortly after I came into this House in 1971, when we had the recommendations on how government should be reorganized. It was pointed out that the government had completely forgotten the role of the back-bench member and the non-cabinet member in their consideration of the role members should be playing. As an afterthought—they'd completely forgotten about us—they appointed the Camp commission, the Ontario Commission on the Legislature, in order to have a look at an area which they had completely neglected and which I suspect was never very much at the front of their minds. That Camp commission presented and made five reports to this Legislature with very little action taken on any of the recommendations.

[9:45]

When this is pointed out to the government and pounded home, and opposition members, particularly, and some of the back-benchers on the government side speak about it, what happens? The typical response of this government is, "Let's delay it further by forming a select committee of the Legislature." So an all-party select committee gets formed, affectionately now called the Morrow committee. The last one—the third report of the Morrow committee—is the one we are discussing here tonight. It reported. It did a fine job. It agrees on many points with the Camp commission. The points are inherently obvious. These reports now come before us; yet nothing is done.

As a back-bencher, it strikes me very much that this afterthought appointment of the Camp commission by the government back in 1972 truly reflected the government's opinion of the back-bencher in this House; they didn't really seriously intend to make many of the changes brought in by the Camp commission or whoever recommends it, or the changes proposed by any select committee of this House. It's that attitude which really perturbs me, an attitude which we saw here tonight when we went for the first half-hour without a cabinet

minister here and then after the next hour had gone by with only a couple more to hear—the legitimate concerns of the members of this House, concerns which they, as an all-party committee, have seen and recommended on, a committee which was preceded by an all-party representative group outside the Legislature—the Camp commission.

The government is really stonewalling and stalling to prevent change, twisting and turning in whatever way it can, through the formation of committees to further delay coming to grips with the problems which are obvious to everyone. Both the Camp commission and the Morrow committee agreed very strongly on one thing, and that is that the Legislature—the legislative building in its entirety—should be under the complete jurisdiction of the Speaker. This is what occurs in most other parliamentary Legislatures of the Commonwealth, and we in Ontario are grossly behind the times in not having this fully in place now. It is a recommendation which, when accepted and implemented, would drastically change the role and condition of the non-cabinet minister in this House, from whatever party he might come.

Mr. Foulds: Non-cabinet minister?

Mr. Bounsall: Non-cabinet ministers, yes.

The Morrow committee talked about the need for upgrading this building. It quoted in its report what the Camp commission said about this building, and that report was pretty damning. I just want to quote some small sections of the Camp commission as re-reported by the Morrow committee. "This building is old-fashioned, shabby, confusing—

Hon. Mr. Kerr: Drafty.

Mr. Bounsall: —depressing, dolorous; maintenance has been piecemeal." Mr. Speaker, the only major change—

Mr. Laughren: I thought you were describing the Minister of Housing (Mr. Rhodes).

Mr. Bounsall: —made in this building since the 1971 exterior cleaning was the provision of the dining room space and post office space in the lower hall—in the basement of this building; and the installation of a carpet earlier this year. That's all that has been done inside this building for I don't know how long.

Mr. Foulds: The ramp.

Mr. Bounsall: If you call the installation of the elevator for those who are in wheel-chairs—and they are required to ring a bell in order to get somebody over there in order

to use it—a refurbishing and a step forward. That is hardly a major change; and it certainly is not a change that one would call anything but confusing, for which the Legislature and its building were severely criticized by both the commission and the committee.

All you have to do is walk around this building, walk over to the north wing and walk up and down the stairs that twist around the elevator shaft. They talked about the exposed wiring around this place, the cracked ceilings, the walls, the peeling paint and the poor lighting. I noticed as I came in here tonight to partake in this debate that yet another large patch of wall material had fallen off between the second and the third floors of the north wing near the elevator shaft. I thought that one of my colleagues was going to admit that he had done the pulling.

Mr. Laughren: That was me on the floor not the paint.

Hon. Mr. Rhodes: How high up was it?

Mr. Bounsall: But we've got used to the state of disrepair of this building. You bring guests in and walk them from the front to your office and you have to go by that peeling, cracked hallway, which is a disgrace. That's just one of the examples.

Mr. Samis: After 34 years.

Mr. Bounsall: They go on to talk about the furnishings. The furnishings, they say, are "dreary, worn and ill-suited to any legislator's needs." The displays in the lobby and hallways are unimaginative and out of date. The only change that I've observed in those hallway or lobby displays is the Ontario Outstanding Athletic Achievement Award, that lump of granite which now adorns the entranceway of the hallway between here and the legislative library.

Mr. Makarchuk: That's what they call the Tory phallic symbol.

Mr. Bounsall: That certainly speaks and reinforces the unimaginative displays that are shown in our lobby and hallways here, and the report abounds with suggestions as to how to create more meaningful displays and dreary furnishings and displays in this building.

Hon. Mr. Kerr: Have you got something against the Fathers of Confederation?

Mr. Bounsall: I certainly don't think that the government's response to refurbishing and brightening up our hallways is to take down the pictures of the Fathers of Confederation out there and give them a cleaning and hang them back up.

Hon. Mr. Welch: Why not?

Mr. Bounsall: It isn't going to brighten up this place, I can tell you.

Mr. Foulds: Why have you taken Oliver Mowatt down?

Hon. Mr. Welch: Just to get him cleaned up a bit.

Mr. Bounsall: He needed a lot of cleaning up.

Mr. Worton: Clean up your act.

Mr. Laughren: Take the Minister of Housing out too.

Hon. Mr. Welch: John Rhodes insisted.

Mr. Bounsall: Among the other key recommendations which I will touch upon that flow from this final report of the Morrow committee, is the recommendation that each member—

Hon. Mr. Welch: Why isn't the member for St. George in the House?

Mr. Makarchuk: She is having her coffee.

Interjections.

Mr. Acting Speaker: Order, please. Can we have just the member for Windsor-Sandwich please?

Mr. Foulds: Call the government House leader to order.

Mr. Bounsall: The Morrow committee made a thorough investigation of the space available in this building and were able to determine that each member should have 500 square feet, all of which would fit quite competently and well within the space in this building. They did that having determined that for many members of the Legislature the amount of space which they have is in the vicinity of around 200 square feet. The government, for that portion of the building over which the Government Services still have control, may put that recommendation into effect, but I feel that the only way that's going to be really equitably given out, so there is no arguments at any given time and that 500 square feet criterion is achieved, is to put this building under the control of the Speaker. When that's achieved, that's when we'll get the implementation of the 500 square feet.

There shouldn't be the anomalous situation in this building of having the Speaker in charge of one portion of it, Government Services in charge of another portion of it, and the Premier in charge of yet a third portion. That's an utterly ridiculous situation to pertain in the legislative building of the province, of which we all should be able to be proud. Unfortunately the current situa-

tion around here makes us despair of this building rather than be proud of it.

The report goes on and talks, having made the inventory of space in this building, about the quite realistic increase in space that should be provided for use of the three caucuses and their support staff; the number of meeting rooms that should be made available, and their size; and the space that should be available for the use of ministers and their parliamentary assistants. All of this fits quite comfortably into the square footage of space we have in this building.

The other area which I would like to touch upon is the legislative library and the area of research. The Morrow committee, after thorough investigation, were able to indicate that there should be a research-oriented group in the main library and recommended the immediate appointment of a new director of library research and information.

The committee on members' services have recommended this. I suggest the response of the member for Parry Sound (Mr. Maeck) had it a little backwards when he said we want to have fixed clearly in our minds the entire library group complement and where they might go before we hire a director. What you need to do first is hire that director so you have the advice of that person in determining what kind and size of complement is needed for the job it is intended to have the group do. I suggest that it's backwards to have the group all thought out before you hire the director.

Hon. Mr. Welch: Order, point of order.

Mr. Maeck: I think the member has misread what I said. What I said in the debate was simply that—

Hon. Mr. Welch: I remember it clearly.

Mr. Maeck: —there is not much point in hiring a librarian until the government has made a commitment to continue with the program of rebuilding the library. I really didn't say what the member is saying now.

Hon. Mr. Welch: Misrepresentation.

Mr. Speaker: That's merely an interjection to correct the record. It's not a point of order.

Hon. Mr. Welch: Yes, but the member should resign.

Mr. Bounsall: It's been nice to have the House leader of the government here for the last 10 minutes—or maybe 15, was it?

Hon. Mr. Welch: I have been here in spirit.

Mr. Bounsall: You were here in spirit, yes; for the first half hour of this debate that's all the rest of your colleagues were here in as

well, and for the last hour all but three of them were only here in spirit.

The recommendation that each member be provided with a research assistant is absolutely key. In reading that recommendation, it strikes me that all the opposition members need that research assistant and that certainly all the government back-benchers need that research assistant.

I am not convinced in my own mind that the parliamentary assistants need that research assistant, but if that's what the Morrow committee has determined is required, then I certainly have nothing against that. Obviously for their own personal use, cabinet ministers with the research staff of their entire ministry at their beck and call, do not need that, but if the parliamentary assistants need research assistants as well, I certainly would not be against seeing that is provided for them as well as every other back-bencher in this House.

Mr. Laughren: Some of them over there need a lot of help.

Mr. Bounsall: The government needs to get moving on the recommendations of both of these reports—the one from the Camp commission and the other from the Morrow committee. The government to this point, in only a very few areas, has shown itself inclined to move at all. Since early 1972 you have only paid lip service to the provision—

Hon. Mr. Welch: That is excessive, that is an excessive statement.

Mr. Bounsall: Well you have not acted upon the majority of the Camp commission recommendations, the majority have not been acted upon.

[10:00]

Hon. Mr. Welch: What does 57 say?

Mr. Bounsall: What No. 57 are you referring to?

Mr. Foulds: Call the government House Leader to order.

Mr. Bounsall: The government has moved very slowly, and the minister won't convince me at this point. I think he's wrong if he is trying to say otherwise—that the government has moved on a majority of the Camp commission recommendations.

I have taken my 15 minutes, I think, Mr. Speaker, which was the agreed upon amount of time for me. I simply would like to point out, without going into any detail at all, on two of the recommendations of the Morrow committee—that the recommendations of the Hickling-Johnson report on members' remuneration should be implemented immediately and that the pension plan and severance

benefits also be reviewed—I think both of those should be followed up.

I just might add a personal note, that if—the next salary increase goes through—which we hear has been in the wind and has been recommended by, I guess, the Morrow committee—when and if it finally comes I will have reached the salary position that I had before entering the House in December 1971.

Hon. Mr. Rhodes: I first of all want to say that—

Mr. Davidson: I'd like to have a point of order or a point of privilege.

Mr. Speaker: There's nothing out of order.

Mr. Davidson: I'd like to make a point of privilege, if I may, Mr. Speaker.

Mr. Speaker: What is your point of privilege?

Mr. Davidson: My point of privilege, Mr. Speaker, is this. I have sat here and listened—

Mr. Elgie: No, you haven't.

Mr. Davidson: Yes, far more than some of those members over there.

I've sat here and listened to this debate. I am a member of the members' services committee that was appointed by this House to try to do something about the services that exist within the Legislative Assembly in the province of Ontario, and particularly this building.

Hon. Mr. Welch: What is your point of privilege?

Mr. Davidson: The minister is getting my point of privilege. My point of privilege is this.

Mr. Makarchuk: Get back to your seat if you are going to make comments, Mr. House Leader.

Mr. Davidson: Having listened to some of the debate, particularly from people over on that side, who have as recently as the last speaker suggested, not only directly through his speech but through comments from his colleagues, that the Camp commission and the Morrow committee reports have been implemented, particularly to a greater degree than myself and others seem to feel, my point is this—

Mr. Samis: Point of information.

Mr. Davidson: One of the things that we, as members of this Legislature and in this building in particular, should be concerned about is the preservation and the maintenance of this building. Now as a member of the members' services committee I know that is one of the things we have tried to raise. It is one of the things we have tried to bring forward. And we cannot as a committee exist,

because we don't know exactly what privileges we have as a committee—the privileges under which we were constituted. We cannot do anything. But my point is this, Mr. Speaker—

Mr. Speaker: I have yet to hear a point of privilege.

Mr. Davidson: You are going to get it right now.

Hon. Mr. Welch: The hon. member for Sault Ste. Marie (Mr. Rhodes) wants to speak.

Mr. Davidson: I am sending to you now a handful of paint that has peeled off the walls, that can be picked off the floor in many locations in this building. The preservation of this building is one of the considerations of the members' services committee and I suggest to you that the government is not preserving this building in the manner it should.

Mr. Makarchuk: You are abusing public property.

Mr. Speaker: The hon. member for Sault Ste. Marie has the floor.

Mr. Makarchuk: And not the government offices either.

Mr. Samis: No respect for public property.

Hon. Mr. Rhodes: First of all I want to say that I am one of those who was not in my place in the House until 25 minutes before 9 o'clock, if that's of any great satisfaction to those who have spent a considerable amount of time tonight looking around the room and making a great point of who was present and who wasn't present for this particular debate.

I am not going to get into that. I don't think the fact that there are those who are present and those who are not adds anything to this evening's discussion. If each of us had to answer to our constituents for the amount of time we individually spend in our places in this House, and if our performance for our constituents were judged only on that, all of us would be in deep, deep trouble.

A great amount of the effort put forth by individual members is not necessarily in this Legislature. So I don't think there is anything to be gained by the sort of comment that has gone on for considerable time.

Mr. Speaker, it was suggested here tonight that the content of the Morrow report, in particular that portion relating to this building and the privileges and facilities of the members, suggested that members of cabinet simply have not paid any attention. I simply want to say to you hon. members that that is not true. I certainly have made myself aware of this report. I say without any hesi-

tation that the contents of this report have been produced as the result of a lot of committee work, and the recommendations are very worthwhile.

Not all have been implemented; the majority of them haven't. There's no question about that. That is not to say that those matters cannot and should not be implemented; I think they can and should be implemented. There are some excellent recommendations.

It was suggested by the hon. member for Sudbury East (Mr. Martel) that once a person becomes a cabinet minister on this side of the House he forgets he was ever in the back benches. I want to say to that hon. member and others, I certainly well remember my time in the back benches, and I remember the shock I experienced when I first came to this Legislature and found myself in a little two by two office down in the north wing, with no window, questionable ventilation—

Mr. Sweeney: It's still there.

Mr. Makarchuk: We still have them, John.

Hon. Mr. Rhodes: I haven't suggested they're not still there; I simply was drawing to the member's attention that I well remember that space. I certainly am one of those who would be most anxious to see proper office facilities for all members of this Legislature. Because whether you are a cabinet minister, the Leader of the Opposition, the Premier, the chairman of a committee or whatever extra activity you may have taken on since you came to this House, you are first and foremost a member of this Legislature. Despite the extra activities we may have taken on in our respective caucuses, all of us still have the main responsibility of working for our constituents.

Mr. Worton: No lecture, John; no lecture.

Hon. Mr. Rhodes: If we're going to do that, we have to have reasonable facilities to work in, and reasonable access to the assistance that each of us needs in order to carry out our jobs. All I'm saying to my hon. colleagues is that I, for one—and I think I can speak for a great many of my colleagues in cabinet—endorse what has been said in this report, and am prepared to take the necessary action to implement it.

Mr. Sweeney: When?

Mr. Makarchuk: When; tell us when, John.

Hon. Mr. Rhodes: My colleague, the Minister of Government Services (Mr. McCague), has stated that one of the requirements indicated in this particular report is the need for individual offices of 500 square feet for each member. That is going to be done. He

has so stated. You're not going to wave a wand and suddenly see everything disappear from all the 125 offices here, but progress is being made.

I'm not going to run around the building saying, "There's paint off the wall here; there's paint off the wall there." If this building has to be refurbished, and it should be, then let it be done. To sit and say, "You're responsible over there, you're not doing the job right, you're not protecting the public property"; that's fair ball, that's understandable; that's what you perceive as part of your role and that's the name of this game we're all in; the main thing in discussing this report is that all of us on both sides of this House have a responsibility to this building, to this chamber, we have a responsibility to see that each member of this Legislature is properly provided with the facilities and support he needs to carry out his responsibility.

The member for Sudbury East said, "I have turned into a social worker; I thought I was a legislator." We know what our jobs are when we come to this Legislature, we know full well that part of our responsibility is dealing with the day-to-day problems.

Mr. Sargent: Are you lecturing us? Are you giving us a lecture?

Hon. Mr. Rhodes: No, I'm not giving you a lecture, although I must say in your particular case it wouldn't do any harm. All I'm trying to say is that I resent to a substantial degree—

Mr. Sargent: You are talking down to us.

Hon. Mr. Rhodes: —the feeling that the members pass on to me that I sit over here and don't care. That is not so.

Mr. Sargent: You are talking down to us, sit down.

Hon. Mr. Rhodes: No, I am not talking down to the members and let me tell—

Interjections.

Hon. Mr. Rhodes: —the member for Grey-Bruce, Mr. Speaker, it is impossible to talk to him without talking down to him, because that is about his level most of the time.

Interjections.

Mr. Samis: Nasty. That is nasty.

Mr. di Santo: That is nasty before Christmas.

Hon. Mr. Rhodes: Mr. Speaker, as I look through the recommendations in the report there are a number of them that I think we really should not worry ourselves about. You know, the one that says the division bells should be less strident but audible throughout

the building. I am really not going to lose too much sleep about that.

Hon. Mr. Kerr: Strident! You can't wake up!

Hon. Mr. Rhodes: I am not going to lose an awful lot of sleep "that the bell for a vote should be distinguishable from the bell for a quorum and both should be distinguishable from the fire alarm bell." I have not yet seen anybody run out of the building when the division bells went.

But I would like to say to the hon. members that I am willing to support fully and endorse the contents of this report and I would like to see all of us work together to see that it gets done and get the building in good shape.

Mr. Sargent: Mr. Speaker, I would like to pay a word of tribute to former Speaker Morrow on his contributions over the years in establishing fair play for all of us in this House.

Mr. Baetz: Long live Ottawa West, Eddie.

Mr. Sargent: Don Morrow was a former great baseball pitcher. He could have played pro ball. But over the years he has always been interested in fair play for all people and I want to say, although he is not here, he was one friend all of us had on the government side.

[Applause]

Mr. Sargent: Mr. Speaker, I would like to congratulate the member for St. George (Mrs. Campbell) whose experience in the science of government and in a lifetime of service for her people leads her to make a very meaningful case for the sorry mess in this, what could be the most beautiful showcase in all Canada.

On the situation we have today, I would like to congratulate, Mr. Speaker, the member for Sudbury, (Mr. Germa), for Huron-Bruce (Mr. Gaunt) and the member for Parry Sound (Mr. Maeck) for their contributions to this report. They are all sincere.

This tells the story pretty well. Over the years—I have been here, I guess, for about a hundred years it seems, but—

Hon. Mr. Kerr: Longer.

Mr. Sargent: —the hon. Minister of Housing tells about his hardships—that he had a very small office without any air conditioning and no window.

I guess a lot of us over here did not even have a desk when we came here.

Mr. B. Newman: Right. Desks were right in the House.

Mr. Sargent: Being a member of the oppo-

sition is a caste system we have and it has not changed.

Hon. Mr. Kerr: We did our work right here.

Mr. Sargent: I think, Mr. Speaker, at this time and place—I think time is “a-fugiting,” but we will have to make this for all time, to the member for Parry Sound and the Minister of Housing, if they are going to be sincere in what they say, this has to be put in top priority for real action.

I am not going to get into a hassle with the Minister of Housing on how he thinks how low I am. I have always had a high regard for him as a member. If he wants to go that way, I don't mind a bit. But if I want to have repartee with the minister on a straight across the House basis, we were friends always and I am not going to hassle with him now. Pass.

Hon. Mr. Rhodes: Mr. Speaker, I would like to withdraw that remark. It was uncalled for when I made it and I apologize to the hon. member. It should not have been made.

Mr. Sargent: I do thank you, John; I thank you.

Hon. Mr. Welch: There is a gentleman, there is a gentleman.

Mr. Sargent: Are you pointing at George or at him?

He was a Liberal to start with, though.

Mr. Makarchuk: Don't spoil it, Eddie.

Mr. Sweeney: That is why you have become a nice guy. You remember what your roots were.

Hon. Mr. Welch: You have to admit John Rhodes saw the light.

Mr. Speaker: Time is awasting.

Mr. Sargent: Well, I won't be long, Mr. Speaker.

The preamble in this report, I think, sums it all up. It says: “The legislative building should be a showcase of the history and culture of Ontario. The building should be refurbished to give visitors a great awareness of both its history and its symbolic importance.

But the shabbiness of this building, as Monty brought out just a few minutes ago, and as I was showing Fred Young a minute ago in this lobby—

[10:15]

Mr. Speaker: You mean the hon. members for Cambridge (Mr. Davidson) and Yorkview (Mr. Young).

Mr. Sargent: I'll watch that, John.

In this little library reference room we have here in the opposition lounge, the coils have fallen out, they are lying on the floor,

and the seats have caved in; that's a real showplace in there, I'll tell you.

Mr. Makarchuk: It looks like the waiting room is a bordello, eh Eddie?

Mr. Baetz: How about the bar?

Mr. Sargent: Well, it's really a sleazy operation; the whole thing is. It is really nothing to be proud of and I think it is a reflection on all those in Treasury the way they have let this place run down.

The elevators are a disgrace. We need new elevators in the main part of the building. Mr. Speaker, I am in the hotel business, and I say this isn't even a good third-class hotel operation.

Mr. Laughren: Compared with the Eaton Centre.

Mr. Sargent: If you will pardon me, Mr. Speaker, although you are in charge of the operation—

Mrs. Campbell: He is not, that's one of the problems.

Mr. Sargent: —it's very poor housekeeping, and that covers a lot. I put that in quotes. “Very poor housekeeping”; in the hotel business you wouldn't get a licence to operate a beverage room.

Mr. Makarchuk: They'd have work orders against you.

Mr. Sargent: That's right; and they would close you up damn soon.

Hon. Mr. Rhodes: What about the Parliament buildings in Cuba?

Mr. Makarchuk: I haven't been down there.

Mr. Sargent: The crowded offices of the opposition are an area the minister should go down and visit some time, just to refresh his haughtiness, his arrogance, to see the way we are existing down there.

Hon. Mr. Rhodes: That's where you got your political science course, isn't it?

Mr. Sargent: What makes you think that the Treasurer (Mr. McKeough) can spend \$70,000 on fixing his office up? What makes you think that we have to go past two or three secretaries to see you people? You are living in palaces like Taj Mahal over there. The member for Parry Sound has the audacity to say—the kindest way I can say it—he had the audacity to say that we deserved this because we were losers over here, we are losers.

Mr. Davidson: That's what he said.

Mr. Sargent: That's what he said, “You deserve it because you are losers.”

Mr. Worton: So we ain't going to lose any more.

Mr. Sargent: That's right, you can bet your boots on that. You know when he said that he struck a new high in my low, I'll tell you.

Hon. Mr. Rhodes: I want you to put my remark back in Hansard; I withdraw my withdraw.

Mr. Makarchuk: That one will go down in the quotes of Colombo.

An hon. member: Eddie, you have made your mark.

Mr. Sargent: I think the opulence in which you fellows operate over there is a disgusting display of wealth, of opulence. In my 13 years or 14 years here, until this week I have only had room for two chairs in my office.

An hon. member: He even had to rent his own furniture.

Mr. Wildman: Eddie, I'm ahead of you, I've got three chairs in my office.

Mr. Makarchuk: One of them is plugged into the wall outlet.

Mr. Sargent: So, in other words, if I may set the tone, we have a slipshod operation.

Mr. Samis: Eddie, that's a hard one to follow.

Mr. Sargent: We can throw a stone and hit a \$43 million building over there; you can spend more money on Minaki in one year, \$5 million up there, than you spent on this building in the last 10 years or 15 years, at least since I've been here.

Mr. Baetz: You had more fun here, Eddie.

Hon. Mr. Rhodes: It is closer to home too, Eddie.

Mr. Sargent: You should see the way the civil service live over there, those bureaucrats; I'm convinced now that they even treat you cabinet ministers like puppets on a string, they run you guys. I had lunch with the second-top Tory in this province—

Mr. Conway: Who on earth was that?

Mr. Sargent: —a while back, and he said it's a disgrace the way the civil service treat cabinet ministers. They laugh at them and they look down at members of Parliament with disdain.

Hon. Mr. Kerr: They get more money.

Mr. Sargent: George, they do; I'm with you on that one.

Mr. Baetz: What are you going to do with the civil servants?

Mr. Sargent: Well, up the revolution.

Hon. Mr. Rhodes: Are you suggesting we fire them all?

Mr. Conway: I remember that was once a Liberal policy.

Mr. Sargent: I think it's time that we collectively stood up and dug in and said, "Look, for once in this beautiful province, we have our own acres of diamonds, as it were, the finest in the whole world we have here, and yet we have this shoddy operation." I travel a lot in my business and every time I go to a capital city in the United States or Canada, I make it a point to go to the Legislature.

Hon. Mr. Rhodes: You've got to get into one once in a while.

Mr. Sargent: I move that be struck from the record. You see, I've got to do this, I can't live on the salary you give me.

Mr. Breithaupt: If he was a civil servant he'd be all right.

Mr. Sargent: That's right.

Hon. Mr. Rhodes: I'll give you a job.

Mr. Sargent: What bugs me is that this report says that the member of Parliament gets \$4.29 an hour net.

Mr. Worton: Too much, too much.

Mr. Breithaupt: The Ontario Federation of Labour would be doing us a favour.

Mr. Sargent: Those of us in the opposition do even worse than that, because we don't get \$5,000 extra for sitting on a committee like you guys do over there. You've got your built-in things for all your people and you give us a shellacking all along the line.

Hon. Mr. Kerr: Every four years or so.

Mr. Sargent: I thought you were asleep.

Mr. Breithaupt: The well's starting to run a little dry over there.

Hon. Mr. Rhodes: If you go to Ottawa, it is just turned around, eh, Ed?

Mr. Sargent: The member for Cornwall (Mr. Samis) told me that in Quebec the Legislature down there gets \$30,600 a year.

Hon. Mr. Kerr: That is per session; and they have one in the spring and one in the fall.

Mr. Samis: It's gone up since then.

Mr. Sargent: If I couldn't supplement my salary, I couldn't afford to be down here. I don't know how some of these fellows do it, I honest to God don't.

An hon. member: They moonlight.

Mr. Sargent: You can't be smart when you talk about members' salaries in this House, compared to what you're making as a cabinet minister.

Hon. Mr. Kerr: It is all too low.

Mr. Worton: We have to spend just as much time—

Mr. Sargent: And what burns me is I go out of here tonight and as I'm walking down to the hotel, the big limousines draw up and you guys pile in there; that bugs me.

Hon. Mr. Kerr: You're jealous.

An hon. member: Pick us up once in a while.

Mr. Sargent: Why can't you drive your own cars, quit all these trappings to power?

Mr. Samis: Right on, teach Claude Bennett how.

Hon. Mr. Rhodes: That is how the Tories feel in Ottawa too.

Mr. Sargent: While people can't get jobs, you guys are running around like oil barons around there.

Mr. Makarchuk: Bloody Arabs.

Mr. Sargent: Some of you go past me and you hide down so I won't see you.

Mr. Samis: They put Larry Grossman on a pillow.

Mr. Breithaupt: He doesn't reach up to the window.

Hon. Mr. Kerr: Can't you park your Cessna up there?

Mr. Makarchuk: And one-way glass in the car.

Hon. Mr. Rhodes: Haven't you got that car fixed since you ran into the back of one here?

Mr. Sargent: In some Legislatures they have electronic voting; you just push a button on your desk, they're modernized.

In summary, I want to say, Mr. Speaker, I thank you for your time.

Mr. Makarchuk: And your tolerance.

Mr. Speaker: My time is your time.

Mr. Sargent: What this Legislature needs, in all seriousness, is a highly trained executive who has had a successful career in hotel management. We need another Gordon Carton here, a man to put this place back into shape.

Hon. Mr. Rhodes: You're lobbying, you're trying to get into the civil service.

Mr. Sargent: Thank you very much.

Mr. Makarchuk: Mr. Speaker, after the call to the barricades from the member for Grey-Bruce, I feel that I do not have that much to contribute to the debate; however I don't think that tonight we will be gathering at the barricades on his call. I want to speak particularly to what has been said by the Minister of Housing. He says in the first place that when we wave a wand we want things to happen immediately and so on.

That's really not the case on the opposition side among those who want things to happen.

I was here in 1967; I saw the conditions then and I see the conditions as they are now; basically, there have been few changes. We've graduated from a state where we had four members in one office to where we now have one member in one cubicle. The cubicle described earlier is exactly what members still have for working space in this Legislature. We don't expect miracles, but how long do we have to wait for action by this government? The government is in the position to do something about it; how long do we have to wait until certain things are done to provide decent working space for the members of this Legislature?

We're not asking for the moon, we're not asking for anything great. Specifically what we're asking for is reasonable working conditions for the members. Unfortunately we can't go on strike, we can't picket outside or something of that nature, but I think it's not a problem to be faced and worked out by the members on this side of the House only, it's a problem that's faced by members on both sides of the House.

The Minister of Housing said we all have to work together to improve conditions. There's no question about it, all of us have to work together. All of us on this side of the House have been stating, the committees have been stating, this committee has been stating; each and every one of us has something to say about the working conditions, and the members on your side of the House have said exactly identical things—in fact they have signed the report and agreed with the contents of the report. But the point is that the government, the cabinet ministers—the boss—makes the final decisions.

I would suggest to you—and there are two cabinet ministers present here now for a change, and it's about time—

Mr. Conway: One and a half actually.

Mr. Makarchuk:—I suggest that perhaps they take the message back and let's get to work on it. We're prepared to work on it; we're prepared to accommodate you, I hope that you are prepared to accommodate the members on this side. When he concluded his statement, he said we all want to make this place work. I want to point out to the Minister of Housing that if he provides a place to work for the members of this House we will make it work. If he doesn't, he's going to have problems; he's going to have confrontations; he's going to have dissension and he's going to have all sorts of things.

The nature of this Legislature has changed

in the last two or three years. It's something that has to be recognized. Perhaps some of the members of the government, like the Minister of the Environment (Mr. Kerr) are not prepared to recognize the fact. But other members are prepared to recognize the fact that the nature of this Legislature is probably going to remain this way for a long time to come. Consequently, you have to do things to accommodate the members on this side of the House as much as you have to accommodate members on the other side of the House. I hope you get to work on that.

Mr. Speaker: Under standing order number 28, a motion to adjourn is deemed to have been made. I will listen to the member for Downsview for up to five minutes.

BRIBERY CASE

Mr. di Santo: I've been asking for the last two weeks, a question of the Attorney General (Mr. McMurtry) which I think is important for the administration of justice in this province. For reasons I can't understand, the Attorney General has answered not only evasively, but has also given a misleading picture on the problem I was trying to bring to the attention of the House.

In fact, I was referring to a case of bribery involving a person named Marco Muzzo, one of the principals of Marel Construction, and a person named Melvin Kurtz, an employee of a construction company. In that case, the Attorney General chose to prosecute the person who had received the money, rather than the person who had given the money. The reason the Attorney General gave to me in his answer was, and I quote: "It was necessary in this case to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one to have a successful prosecution."

Now, Mr. Speaker, in the Waisberg report—[10:30]

Mr. Baetz: May I rise on a order of privilege as the parliamentary assistant to the Attorney General?

Mr. Speaker: You will have the opportunity to respond if you wish.

Mr. Baetz: I would just like to know, Mr. Speaker, what this intervention is all about, since it does involve the Attorney General's office.

Mr. Speaker: Well, under standing order 28 (a), if a member of the Legislature is dissatisfied with the answer given to him by a minister, on proper notice he has the right

to debate this for up to five minutes upon adjournment at 10:30.

Mr. Baetz: Thank you, Mr. Speaker, for the explanation.

An hon. member: He gave notice at 3 o'clock, Harry.

Mr. di Santo: Thank you, Mr. Speaker. Probably the member wasn't here at three o'clock.

An hon. member: Or wasn't listening.

Mr. di Santo: Anyway, Mr. Melvin Kurtz, the person bribed, admitted to Judge Waisberg that he had received \$19,500 from Marel Contractors, so there was no possibility that one of the two parties would deny that he had committed an illegality. But what concerns me is that six other people were charged and in each case the persons charged were the persons who received the money and never the persons who gave the money; and in each case the persons who gave the money were big contractors.

I think we have to look at this question in context. If we go back to 1974 we can see that the Waisberg report was published, the then Attorney General, (Mr. Welch), in an interview, cautioned against drawing any inference from the number of charges laid so far, saying more were in the works. The fact is that they never came, and we know that the present Attorney General is a personal friend of the president of Marel Contractors; and not only is the president of Marel Contractors, Elio Muzzo, a personal friend of the Attorney General, he has been a political supporter of the Conservative Party and a financial contributor of the Attorney General's campaign. You can find that in the statement of campaign receipts and expenses of the candidate, Roy McMurtry—page 10 Elio Muzzo, Marel Contractors, 130 Toro Road, Downsview; and Marco Muzzo, Marel Contractors, 130 Toro Road, Downsview; contributed to the campaign of the Attorney General.

Mr. Makarchuk: How much?

Mr. di Santo: It was \$250 each. We don't know how much they contributed to the previous campaign when the Attorney General was defeated, and we don't know how much they contributed to the last campaign, but for sure I know that the Attorney General was present at the Triumph Hotel when they had the fund raising meeting in which the president of Marel Construction was one of the fund raisers for the Conservative Party at that time.

Mr. Makarchuk: There goes his leadership chances.

Mr. di Santo: The point that I want to make is this: Is it possible that the Attorney General in this case, has chosen to prosecute—

Mr. Speaker: The hon. member's time has expired.

Mr. di Santo: —the person who received

the money and that the same applied to other persons? Isn't it possible that there is a conflict of interest?

Mr. Speaker: If nobody from the ministry wishes to reply, this concludes the matter.

The House adjourned at 10:35 p.m.

APPENDIX

(See page 2507)

TRIBUTE TO FORMER SPEAKER, RUSSELL ROWE

Ceremony outside the Chamber

Mr. Speaker: Order, please. Can we have your attention now? You are all aware of the reason we are gathered here, to pay tribute to a colleague of ours who is celebrating a birthday today. It is an opportunity for us to perform something we always do when a Speaker has retired. We are awfully pleased to note that Mrs. Rowe, Marge, is with our colleague Russell on this occasion. I'm told that their daughters Karen and Anne, their sons, Robert and Cameron, and their daughter-in-law, Janice, are here. We also have with us Mr. Richard Miller of Mississauga who has done this fine work of art. He also painted Mr. Speaker Reuter's portrait and his works have been exhibited internationally.

Before we get on to the formal presentations and to the unveiling, I want to remind hon. members that Mr. Speaker Rowe is the only member of the Legislature to have served as Deputy Chairman of the committee of the whole House, Deputy Speaker and Speaker of the House.

Without any further ado, I would like to call on the Premier to say a few words.

Hon. Mr. Davis: Mr. Speaker, it is a pleasure to join Russell on his birthday. I notice you didn't tell us just what birthday it is that he is celebrating. He may confide in us and, in that most of the press are here, that will certainly be confidential. I can recall, Russell, when I was at your first convention, if memory serves me correctly—and that was just a few years ago.

Time moves very rapidly. In political life one has a lot of memories, most of them good. I can recall that convention very well. Your predecessor predicted to me you would be making a very significant mark in the public life of this province, and of course that prediction came true.

For those of you who don't remember

Russell's predecessor, his name happened to be William Goodfellow, one of the very distinguished Ministers of Agriculture of the province of Ontario who, in turn, was a great friend of another Minister of Agriculture whose portrait is somewhat further down the hall.

I would like to express my best wishes to our former Speaker and my personal thanks to him and to his wife for the service they gave—and I emphasize they—and, as I said in the House, to thank Russell for the very excellent leadership he gave to the Assembly. That is a task, Mr. Speaker, that you have found is not always simple but it is one that he discharged with fairness, as I have said on occasion, sometimes looking more often to his left than his right, but nonetheless one that we appreciated.

Mr. Peterson, there are some days when I think you look more to your left than right.

Mr. Peterson: I happen to look right in front.

Hon. Mr. Davis: I will tell you, if you just looked a little more in the direction of your in-laws, you would be a lot better off.

Not only did Russell do it in fairness, but he did it with dignity and was a credit to our whole system of parliamentary democracy. And so, Russell, it is a great pleasure to join all of your friends here, and most particularly your family, at this unveiling of your portrait and also to help you celebrate your birthday. Russell doesn't know this but he is anxious, in that we can't do it here, to treat you all to champagne and cigars at some future occasion.

I would also say to the artist that we have a lot of talented people in the municipality next door to the city of Brampton. Mr. Miller, you are in the same ranks as the late Mr. Dingle and many others who are of your profession in that municipality. It's great to have such very distinguished people performing this sort of service. I haven't seen the portrait, but I can only say that if it is of

the same calibre of work as the one you did of Mr. Reuter, then we are looking forward to its unveiling. If it isn't of that calibre, of course, you will have an opportunity to retouch and alter. I am sure Mrs. Rowe will give you some advice, but I have a feeling it will more than meet the very high professional standards that you set.

Once again, I express to Russell, to Marge and to his family my appreciation for the service you have given to all of us, but most important to the system we all support.

Mr. Speaker: The Leader of the loyal Opposition, please.

Hon. Mr. Davis: To whom he's loyal, I'm never quite sure.

Mr. S. Smith: The Premier is wondering to whom we are loyal. He hasn't noticed, going his way at all, that we are certainly very loyal to Her Majesty.

I want certainly to associate myself with all the remarks, save the partisan ones, that the Premier has ably put today about ex-Speaker Rowe. As you know, I spent some years of my life as an assistant to a Speaker of the House of Commons. I know the tremendous pressures on that office at all times, but especially in a minority situation.

We in the House are aware of the difficulties a Speaker has to deal with in bringing members to order, keeping the debate running and all the obvious things. What we don't see are the innumerable committees he has to deal with; and also his responsibilities in connection with money spent in the building; the housekeeping matters, the visiting delegations, the requirement to represent the province and the Legislature, visiting other places, dealing with parliamentary assemblies of various kinds, and so on. These matters are a tremendous drain on the time of a person; and when he is also trying, as Mr. Speaker Rowe was always able to do, to represent his constituents and their interests, it is really—and I say this quite sincerely—a superhuman task. We ask too much of the people we elect to the office of Speaker.

Russell, if I may refer to you that way, you conducted yourself with dignity and you brought honour and distinction to the office. All of us in Ontario are better off because of the work you did on behalf of the democratic system in the Legislature of Ontario. Your family, I am sure, is delighted, for your own health and for their happiness, to see that you have now had a chance to gain a little relief from those onerous responsibilities. Now you're celebrating a birthday, which means you are probably almost as old as the Premier.

Hon. Mr. Davis: Not quite.

Mr. S. Smith: The Premier ages 10 years every time the Argonauts get knocked out of the playoffs, so I am adding a few for that reason. Remember I am from Montreal originally.

In all seriousness, thank you, ex-Speaker Rowe, for a job well done, happy birthday, sir, and may you enjoy many more years of active service to the public and to yourself, your family and friends. Thank you.

Mr. Speaker: Mr. Lewis, the Leader of the New Democratic Party.

Mr. Lewis: Mr. Rowe and Mrs. Rowe and everyone here: I was actually elected to this Legislature the same year as Russell Rowe, back in 1963. We have therefore served slightly more than 14 years together. If I am both not maudlin and without partisanship, I think I can say that among all the colleagues I've had over the years, I can't think of a member of the Legislature, of a man, who was at once more generous, more thoughtful or more gentle. Russell Rowe, gentle is the word that comes to mind when I think of you and your contribution.

You were a Speaker of the House during a time here, it seems to me, when it was both volatile and even unruly; whatever differences some of us may have had with you from time to time, you always discharged what you felt to be your obligations with a deep and evident sincerity. If and when you decide to depart from political office, and you'll notice I imply retirement rather than defeat, I want to say to you that you'll leave with your colleagues at that point, a tremendous fount of goodwill and affection, a very distinguished career as an MPP and a Speaker; and now, sir, a memorable facsimile, a memorable replica to adorn the walls of this building forever.

When I look around at all the rest of you, I wonder whether any of us can have that as an affectionate memory.

Russell and Mrs. Rowe and family, thank you immensely for the contribution you have made to the Legislature. May you remain here as long as you would wish and have an excellent life thereafter.

Mr. Speaker: I would now like to call on the Deputy Speaker, Mr. Hugh Edighoffer, please. Hugh?

Mr. Edighoffer: Mr. Speaker, Russell and Mrs. Rowe, ladies and gentlemen: This, I think, is a very special occasion, because of course as all of you know, hangings and birthdays are significant occasions.

I have been asked to say a word or two on behalf of your 124 colleagues in the Legis-

lature. I am most pleased to do this, and I asked all members to participate in a small memento of this occasion. I must say that all members agreed they wanted in some way to show their appreciation, and of course also help celebrate your birthday.

The members got together and decided they would pool their minimal resources and purchase a small memento to show that appreciation and help celebrate your birthday. As you will notice, behind you there are four parcels; we thought it might be fitting to show that it was non-partisan, so we have blue, red and green ribbons on all parcels. Also on this special occasion we thought, because of the restraint programs, we would go back into what was left of some of the other Hansards. You will note, as you open the parcels, that they are Hansards from your election as Speaker and re-election after that time.

I want to say, on behalf of your 124 colleagues, simply but sincerely, thank you and happy birthday.

Mr. Speaker: Mr. Speaker Rowe, will you come up, please?

As Hughie has said, we have gotten together; and there is something to commemorate your 63rd birthday.

Mr. Rowe: He is a super-sleuth. It wasn't left to the RCMP after all.

Mr. Speaker: Would you please bring it in.

[Happy Birthday was sung]

Mr. Rowe: As you people can see, I am embarrassed.

Mr. Speaker, Mr. Premier, colleagues and friends; and family—all friends too; may I say just how overwhelmed I am with the sentiments which have been expressed here this afternoon, and I do want to thank you for them. It is not very often you get hanged on your birthday I might say.

You know, there are going to be some other people, I was just thinking as I was standing there, who are going to have to go through an exercise like this. They hang not only Speakers; so you have that to look forward to, Mr. Speaker; and sometime in the dim and distant future, Mr. Premier, they hang Premiers around here too, you know. I know there are other people in the room who would gladly take that risk—wouldn't they, Dr. Smith, Stephen, et cetera?

I want to thank you very much for your kind remarks. Yes, it is true, 63 years ago today my mother had a coming-out party. I know, because I was there.

I want you to know that I appreciate this, you really didn't need to go to that length.

The happy birthday cake we will all share, I hope, in a few moments.

I want to say how honoured I feel at what is being done today, because it is not everybody who gets a chance to be hanged in the Legislature of the province of Ontario. I deem it a great honour to find a place on the wall somewhere around here, in the company of my illustrious predecessors, Mr. Reuter, Mr. Cass, Mr. Morrow, and from there on back.

I was just thinking that perhaps some day my grandchildren, my great-grandchildren, or somebody who has heard the name Rowe, will be wandering through the halls and wondering who that old fellow up there is anyway. I hope they will have a sense of pride. I certainly feel proud to have had the opportunity to be the Speaker in the province of Ontario. I look forward to, and frankly I want you to know I am enjoying, my somewhat easier life now. I'm putting my weight back on, by the way; I got a suit the other day and I may have to have it altered, but that is a good sign.

Speaking about food, I think we should get on with the rest of this business, because I understand the Speaker has arranged a certain amount of refreshment down the hall, and there is this birthday cake to participate in.

So we thank you again for gathering here for these few moments and doing me this honour, for the support you have given me in the past years, and the position you granted me. I want you to know I will always appreciate that.

I also want to indicate what a difficult job Mr. Miller must have had, we'll see the results here in a moment. I enjoyed working with Mr. Miller during the sittings and I hope he enjoyed his work too. This is his second—I was going to say "customer," that isn't a very good word—his second hanging in these illustrious chambers and I'm sure he takes a great deal of pride in that respect too.

I want you to know I share this with not only my wife, Marj, who has been mentioned on many occasions here today, and whose hospitality many of you have partaken of at the apartment and elsewhere; but also my family. Only part of my family is here. You may have thought they were all here, and some of the neighbours too, but not really. I'm just trying to keep up with Paul Yakabuski—where's Paul? When Paul and I came into the Legislature, at the same time in 1963, he had a few more than I had and I said, "Look Paul, don't wait for me, I'm

not going to have any more, I'm not trying to catch up to you." Then he went ahead and had another one.

I also want to welcome a couple of my friends who joined us this afternoon; my campaign manager and his wife, Mr. Haynes and Mrs. Haynes; and other friends of ours, the gal who keeps my wife so well dressed at my expense, Mr. and Mrs. McMahon. I am very pleased that these people were able to join us. I think I mentioned my family, didn't I? Half of them are here anyway. Marj said two-thirds, I really haven't counted them lately.

I am going to cut the cake now and then I guess somebody will do the unveiling.

Thank you very much again, and we'll look forward to a little sociability.

Mr. Speaker: I think I would be remiss if I didn't remind all of Russ's friends that Edith Storton, who served as the administrative assistant to not only Mr. Speaker Rowe but three other Speakers, is here and we welcome you this evening, Edith.

Marj, if you will come forward, along with Mr. Miller, and Mr. Speaker Rowe will preside over the unveiling, please.

Mr. Rowe: How do you unwrap those parcels without spoiling those Hansards, Mr. Speaker, do you know?

[Unveiling. Applause]

Mr. Speaker: We will now adjourn to Room 228 down the hall for some light refreshment, please.

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No. 68

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First Session, 31st Parliament

Friday, December 2, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

FRIDAY, DECEMBER 2, 1977

The House met at 10 a.m.

Prayers.

NEWSPAPER REPORT

Mr. Reid: Mr. Speaker, before we get into the usual business of the House and while we're waiting for some of the ministers to come in to answer questions, perhaps I could rise on a point of order; it's really not a point of privilege. There's an article in today's Sun that has offended me greatly, branded me with something I thought would never be done and that I'm very upset about. My colleague from Algoma (Mr. Wildman), who is not with us here this morning, has been similarly offended, I'm sure.

Just to set the record straight, an article on page 36 of today's Sun, "Opposition Irate over Minaki Plans," identifies me as the NDP Northern Affairs critic and the member for Algoma as the Liberal critic. I feel a great injury has been done to both of us and I thought I'd draw it to your attention, Mr. Speaker.

Mr. Speaker: That's a legitimate point of privilege.

Mr. Lewis: On the point of order, in the absence of my colleague from Algoma, he he would wish it to be known that he felt honour was done to the member for Rainy River.

Mr. Breithaupt: Speaking to that, I suppose it's a matter of we wouldn't mind the trade but there are no future considerations.

Mr. Lewis: Only a lawyer will understand that.

Mr. S. Smith: We've been placed in double jeopardy.

ACCOMMODATION ALLOWANCE

Mr. S. Smith: I rise on a point of privilege, Mr. Speaker. You were kind enough to send around to all members what you stated was an extract from the minutes of the Board of Internal Economy regarding the use of the members' accommodation allowance for members wishing to purchase housing accommodation. They would be reimbursed monthly in lieu of rent at a level

to be determined by the board on receipt of letters from realtors and so on. If I may say so, Mr. Speaker, you neglected to add, as far as I can make out, the following sentence from that minute, which says: "Mr. J. R. Breithaupt, MPP, dissented and noted that the Liberal caucus could not agree to this amendment."

As you know, Mr. Speaker, that's because we do not believe public funds should be used to allow members to reap possible capital gains. We wish, Mr. Speaker, that you might correct that if you deem it fit to do so.

We also wish that you might ascertain the position of the Premier (Mr. Davis) and the government on this matter so that the whole thing could be reconsidered by the Board of Internal Economy, to change it in accordance with what I think would be simply the right thing to do—to remove that particular extension of the allowance.

Mr. Speaker: I felt obliged to circulate the minute of the board meeting since it affected all the members of the House. It's not customary to indicate how each member of the Board of Internal Economy voted. We do operate the board democratically and the majority vote rules there as it does in all other assemblies. I didn't think it was necessary to list the dissenters. Maybe you consider it a point of privilege but I don't think it's incumbent upon the Speaker to do anything further. You have brought it to the attention of the House.

Mr. S. Smith: I would certainly like the Premier to comment on this and to let the House know what his feelings are. I hope you might assist in ascertaining that, Mr. Speaker.

Hon. Mr. Davis: Mr. Speaker, I really don't need your assistance in ascertaining my views. I would point out that I really don't think this is a matter of privilege. If the member wishes to ask my views, he could very simply ask a direct question, which might be a little difficult for him under the circumstances—

Mrs. Campbell: Why?

Hon. Mr. Davis: —but I think that would be the appropriate way to do it. I should

point out in reply to what may or may not be the point of privilege, that the Leader of the Opposition knows full well we were planning to meet to discuss this and other matters related to the economic situation facing all members of this House. I would have thought, Mr. Speaker, that a reasonable person might have waited until this matter was discussed along with the others that are of interest to all members whether they happen to be resident here in Metro or elsewhere. But the Leader of the Opposition felt it necessary to raise it now, I guess because of some pressure from the press which wanted him to ask me publicly.

We too have pressures from the press and we too react to them from time to time; that's appropriate. But it has been somewhat traditional in this House to hold discussion when we are dealing with matters that relate to the House because we are the ones who assume these responsibilities, as I expect we will collectively assume them in a few days as it relates to other issues. So perhaps the Leader of the Opposition might have restrained himself until that discussion took place.

So, in reply to the Leader of the Opposition, Mr. Speaker, I am not totally familiar with the activities of the board; I don't sit on that board. It is somewhat independent of government. It's represented there by all members of this Legislature. It tries to deal, as I understand the function of the board, as equitably as it can with the legitimate concerns of the members of this House. It is my understanding that a certain precedent had been established and accepted, I didn't know of this. What is being suggested at this moment is an enlargement that one might argue and discuss.

I think if the Leader of the Opposition were totally objective he would sense there is an argument on both sides. I would hope not an argument, but a point of view that was logical and legitimate.

What I am concerned about is not just what this House decides in terms of what is fair for the members who are here to represent the public interest, but that there be a perception of it being fair and equitable in terms of the public. I would say that by precipitating this discussion in this fashion he has done the members of this House no great service. He has made the task of the board just a shade more difficult—by introducing the fact—I understand this to be the case, and now you have brought it out—that the representative on the board of the Liberal Party did not agree with this. I guess that in future the board is going to have some

greater measure of difficulty in trying to remain objective and non-partisan. It doesn't get down to reporting that this party supported that or this party didn't support that.

Interjection.

Hon. Mr. Davis: Well, I would say to the member for St. George (Mrs. Campbell) she can interject all she wants, but I'll just tell her this matter is one that I think deserved discussion among the leaders of the three political parties in this House. Her leader knew we were going to discuss this along with the question of salaries and pensions. It's great for her to sit there and nod her head up and down, but I have to tell her I think it's a poor way to do business.

No money has been paid out, there has been no finality to this, and I am reserving my statement to the Leader of the Opposition until we have this discussion. If I can give him any advice, I think he should have done the same.

Mr. S. Smith: To set the record straight, it is important for me to point out that, not only did the meeting of the Board of Internal Economy take place on November 15, with the minutes available on the 22nd, but that I sent a note to the Premier—

Hon. Mr. Davis: And I had you talk to the Chairman of Management Board (Mr. Auld), and the member knew we were going to meet on these issues.

Mrs. Campbell: Let him speak!

Mr. S. Smith: I didn't interrupt the Premier, Mr. Speaker. And the Premier responded that I should speak to the Chairman of Management Board, which I did. I have waited a week for an answer. I said nothing to anyone about the matter, waiting for this discussion to come to some fruition.

The notice by yourself, Mr. Speaker, brought it to the attention of members and to the press. The matter has now become public and I informed the House leader that although I appreciated the Premier's offer of a discussion—I look forward to that discussion—that I believed the matter had waited for so long that unless the Premier would make some kind of statement, and unless the House leader could give me some kind of statement, I would feel obligated, as Leader of the Opposition, to raise the matter in some public way today.

I did so meaning no offence to the Premier as a person, nor did I wish in any way to undermine the functioning of the Board of Internal Economy, or the general business with which the three leaders can deal in a gentlemanly manner, and which I hope will continue. But I did take the time, on instruc-

tion from my caucus, to ask for a response from the Premier and the Chairman of Management Board. I have waited over a week now and I regret that I had to make the matter public in order to be a proper Leader of the Opposition. That is how I saw my role and I hope the Premier understands that.

Hon. Mr. Davis: I must say that I don't totally understand it. I asked the member to meet with or suggested he meet with the Chairman of Management Board. I knew that his caucus was less than enthused, but I also was under the impression that on matters of this kind that affect the total membership of this House—and the member knew full well we were going to be discussing honorariums of members, and the possibility of pensions—that this is something that is not unrelated to the economic situation all members of this House face. If the Liberal Party wants to take a unilateral position on this, prior to any discussion among the leaders, that's fine. I accept that.

[10:15]

If he is looking for me to say today that the government is opposed to that recommendation of the Board of Internal Economy, I'm saying to the Leader of the Opposition, in fairness to all of the members who are affected, I would have preferred to discuss this with him and with the leader of the New Democratic Party to see if we could come up with some rational solution that would be publicly acceptable, because I think there are points of view on both sides of this concern, as there will be on those two other items. I want to suggest that to him and I'll be interested in his reaction to some of that.

STATEMENTS BY THE MINISTRY

Mr. Foulds: Here comes another Friday morning special.

JAIL CLOSURES

Hon. Mr. Drea: I wish to announce the intention of my ministry to close three outdated jails early in 1978. Two of these jails, Simcoe Jail, built in 1851, and Orangeville Jail, built in 1881, will be closed effective February 10, 1978. The third facility, the Kitchener Jail, built in 1853, will be closed early in March. All staff whose jobs are displaced by these closures will be offered employment by this ministry elsewhere in the province and, wherever possible, in near-by institutions. The three closures will effect an annual net saving of approximately \$1.379 million in operating costs and a saving to the Ministry of Government Services

of up to \$300,000 in capital costs in the 1978-79 fiscal year.

Simcoe Jail is a small institution holding an average of 30 inmates and employing a staff of 20. Inmates normally housed at this institution will be transferred to the Elgin-Middlesex Detention Centre in London and the Niagara Detention Centre in Thorold. My ministry has been under pressure from the local council to vacate this jail; the council has insisted the Ministry of Government Services commit itself to renovations amounting to \$100,000 before it will renew the lease. The current 10-year lease expires on December 31, 1977. The annual saving from the closure of the Simcoe Jail will be \$377,400, plus a saving to the Ministry of Government Services of \$100,000 in 1978-79.

The Orangeville Jail is also a small jail holding an average of 16 inmates and employing a staff of 20. Of the average daily count of 16 inmates, only about six are residents of Dufferin county which the jail serves. The other average daily number of inmates in the jail are from the Toronto area and are housed there because of overcrowding at the Toronto Jail. However, with the opening of the Metropolitan Toronto West Detention Centre there is now adequate space for all of those inmates to be housed there. In addition to the saving in operating costs generated by this closure, a further saving to the Ministry of Government Services of up to \$200,000 will be made in planned alterations and additions to the jail that would be necessary if it remained open. The net annual saving to my ministry from the closure of this jail will be \$373,300.

The age of the Kitchener Jail and its physical layout make it very costly to maintain adequate security. In addition, this antiquated facility sits squarely in the middle of Kitchener's new downtown development and the municipality is anxious that we vacate the present site in order that development may proceed. The net annual saving from the Kitchener Jail closing will be \$628,800.

As hon. members will know, we have converted Churchill House, the former security unit of Grandview Training School in Cambridge, into a maximum security facility. Inmates of the Kitchener Jail will be transferred to this modernized facility on the former Grandview School property. This new unit will accommodate 62 inmates in individual cells and dormitories. An outdoor recreation area and a chapel will be provided.

Most of the renovations and modernization of the facility in Cambridge were car-

ried out by inmate labour. A 20-foot wall will also be built around this facility by inmates from various correctional institutions in the area under the direction of the brick-laying instructor from Guelph Correctional Centre. The use of inmate labour to complete this project will save the taxpayers approximately \$1 million. No maximum security inmate will be transferred from the Kitchener Jail to this facility until the wall is completed. The present wire fence will remain inside the wall.

I am certain that hon. members will welcome the closures of these three antiquated jails in which living conditions for inmates and working conditions for staff are unacceptable. Understandably, conditions at these jails have been attacked by grand juries and public institution inspection panels. Although these groups have criticized the physical facilities they have invariably praised the staff or their conscientious efforts under trying conditions.

The most vocal criticism has been directed at the Kitchener Jail which was described in January 1976 by a grand jury as "a set of chicken cages . . . liable to send one into a psychotic state without much difficulty." The jurors found it "difficult to contain one's rage and revulsion and to see anything other than man's inhumanity to man here." The jury described the conditions as "men stacked in individual cages just narrow enough to contain a cot, a lidless toilet and a tiny space in front of it to put one's feet and open the door."

Mr. Sargent: Same thing in Owen Sound.

Hon. Mr. Drea: The jury asked how the staff could endure the narrow corridors "and still retain any sense of being pleasant, normal people."

These three closures early in the new year, plus those of Hamilton's Barton Street Jail and Toronto's old Don Jail, will bring the total of outdated jails closed by this ministry since 1971 to 18.

I believe this government can be justifiably proud of its jail replacement and renovation program which was set in motion when the province took over the responsibility for the operation of 35 county, and two city jails in 1968.

Hon. Mr. Davis: Where is the member for Simcoe? Come on now, applaud.

Mr. S. Smith: We have a minister over there who applies closure in the right places.

ORAL QUESTIONS

CONFIDENTIALITY OF HEALTH RECORDS

Mr. S. Smith: I would like to ask a question of the Minister of Health if I might, Mr. Speaker. Was the minister quoted correctly in today's *Globe and Mail* in suggesting that the terms of reference for Mr. Justice Krever might not allow him to actually investigate past leaks and past abuses with regard to the lack of confidentiality of certain health, hospital and insurance records? Could he not clear this matter up simply by telling us that the inquiry will take place under the Public Inquiries Act? Can he assure us of that so that witnesses can be called, people can testify under oath, and the judge can have proper latitude to carry out a proper investigation?

Hon. Mr. Timbrell: Mr. Speaker, I can't do that because it hasn't been decided yet by the cabinet. But certainly there are two things I want; one is the broadest possible terms of reference and second an early resolution to the problem. In other words, I would like to see a report, as indicated to the press, in the spring.

As I read that article—a very quick perusal of it before I went to a meeting this morning—it seemed that once again the headline didn't quite support the body of the article. To look at the problems, whether it concerns access to OHIP files or whether we are talking about psychiatric files or whatever, His Honour will have to look at what the practices have been and look at the particular incidents in order to carry it through to some logical recommendations of whether what we are doing is sufficient or whether there have to be any changes.

As I say, until we have settled the terms of reference with His Honour, and until I can go back to cabinet with the completed terms of reference and a recommendation, I can't say for certain which Act it will be held under. But I want it to be as broad as possible.

Mr. S. Smith: A supplementary, Mr. Speaker: Given the fact that a good many of these issues may touch on breaches of laws of this province and thus there might be a certain reluctance on the part of people to appear, surely the minister would agree that witnesses should be subpoenaed and asked to testify under oath and given appropriate protection. I'm sure he'd also agree that one is not going to know much about the weaknesses in the system unless one knows how they have been exploited in the past—and

therefore previous problems must surely be looked at.

Finally can the minister tell us whether there is a split in the cabinet, and that is the reason he doesn't want to have this under the Public Inquiries Act because one needs the cabinet to agree to that?

Hon. Mr. Timbrell: First of all, Mr. Speaker, I can assure the member there is certainly no split in the cabinet on any of this.

Mr. Conway: Where is the Attorney General (Mr. McMurtry)?

Hon. Mr. Timbrell: Secondly, the opposition leader is quite mistaken, and with respect, is trying to mislead the House in suggesting I am trying not to have it under the Public Inquiries Act. I am being very frank in saying we haven't finished the terms of reference. We haven't, therefore, decided on the means. Certainly the points that the member raises are part of our consideration.

Mr. Lewis: Supplementary: I take it the minister would not preclude Mr. Justice Horace Krever from investigating any matter between the period 1959 and 1977 which he felt impinges on setting up confidentiality for OHIP, public hospital or psychiatric hospital access. The minister wouldn't begin to preclude his right, surely?

Hon. Mr. Timbrell: Obviously we are not trying to tie anybody's hands in this.

Mr. Lewis: Just answer yes or no.

Mr. Foulds: The Premier actually shook his head "no" and mouthed the words.

Hon. Mr. Timbrell: No, I'm not about to try to tie his hands. I think we have to sit down and discuss with him how he sees carrying it out in order to finish the job in a timely manner, so that hopefully, say, by the end of March, we've got something.

Mr. Lewis: He has capacity. You leave it to him.

Hon. Mr. Davis: We don't want to embarrass the member for Sudbury (Mr. Germa).

Mr. Lewis: Just don't hog-tie him.

Mr. S. Smith: Supplementary, if I might. Will the judge also be able to look at the practice of the ministry in having certain data sent to Statistics Canada, psychiatric data in particular? Will the minister be able to make sure that the judge has some power to look at those matters and to see whether any of the leaks occurred from that end?

Hon. Mr. Timbrell: I indicated yesterday that he would be looking at the Public Hospitals Act, he would be looking at all of the requirements with respect to con-

fidentiality. I should tell the member we are required by a number of federal statutes to provide certain information, so certainly I would expect that His Honour in those instances would be looking at the means by which we do that to ensure that in providing the information, we are not conveying any identifying names, numbers, whatever. He would want to look at that, to satisfy himself and the public that we are, in fact, carrying out that responsibility properly.

FORD LAYOFFS

Mr. S. Smith: I have another question, Mr. Speaker. It would ordinarily go to the Minister of Labour (B. Stephenson), but I gather she is ill, so I'll direct it to the Premier. In view of the announcement yesterday that the Ford Motor Company plans to lay off employees on December 9, 16, 23 and January 10, for a total of 308 employees, for reasons of production problems rather than lack of demand, could the Premier advise the House whether he knows—and I suspect he may not, but could he check on it—whether proper notice to the employees as required under the Employment Standards Act has been given? I ask that question because, on the face of it, it would appear as though eight weeks' notice should have been given and apparently was not; but I am asking it as a question rather than making a statement.

Hon. Mr. Davis: Mr. Speaker, I am not familiar with this. I will have the Minister of Labour or her office check on this over the weekend and have an answer for the members on Monday.

Mr. S. Smith: I thank the Premier. By way of supplementary, while he is doing that could the Premier formulate in his own mind some impression as to whether, in fact, this layoff is due to management error and management sloppiness rather than any market problems or problems on the part of labour? Could he assure himself of that and let us know what his opinion is on this, and also on whether or not the company would be willing to suspend overtime, rather than lay off these people at the Christmas season?

Hon. Mr. Davis: Mr. Speaker, I will get as much information as I can for hon. members. Unlike the Leader of the Opposition, I really don't presume to be an expert in the field of management, so I really may not form any such conclusions over the weekend.

Mr. S. Smith: That is evident from the Premier's management of Ontario.

Hon. Mr. Davis: I do accept my limitations; the Leader of the Opposition some day may recognize his. It may take a while, but he may. So I will get as much information as I can.

Mr. S. Smith: I accept the Premier's limitations.

Hon. Mr. Davis: Oh, listen, I recognize mine. It will be a great thing for his party when the Leader of the Opposition recognizes his.

Mr. Mackenzie: Supplementary, Mr. Speaker: In gathering information, would the Premier please check into the lengthy meetings that were held yesterday morning and yesterday afternoon between the company and the union, at which time the company refused to stop the practice of the line working 48 hours consistently and the maintenance and repairmen working in excess of 60 hours in the Ford plant; the company indicated that it was going to continue that operation in spite of the cutbacks and in spite of a specific request yesterday afternoon from the union to spread the work around?

[10:30]

Mr. S. Smith: I already asked that.

Mr. Mackenzie: You obviously never talked to the unions.

Hon. Mr. Davis: I recognize that the supplementary was more definitive than the original question; I say that with a recognition of how definitive it was. I will pass this question on to the minister and hopefully, as a part of the reply on Monday, will have more specific answers as to whether or not the company met the laws of this province. I will endeavour to do that for the hon. member.

METRO TORONTO SCHOOL BOARD

Mr. Lewis: I'd like to ask a question of the Minister of Education. Does his public pronouncement on the value of the Metro Toronto school board mean, in effect, that this part of the recommendations of the Robarts commission will also be scuttled and that despite the vote of the individual boards in Metro—four of them specifically and probably the other two would now join under certain conditions—despite that vote of the overwhelming majority of the trustees, the minister has apparently rendered a decision in advance that the Metro school board is to continue?

Mr. Rotenberg: Unanimously.

Mr. Pope: Scarborough is against that.

Mr. Lewis: No, no longer.

Hon. Mr. Wells: I would be quite interested in my friend quoting exactly or showing me where I have rendered a decision that the Metro school board would continue. I think the only statement I recall being quoted in one of the newspapers was that I had yet to see conclusive evidence that the Metro school board should be done away with.

Mr. Lewis: That's what I meant. I know the minister and I know what that means.

Hon. Mr. Wells: Let me tell my friend why I said that, because I read the resolution that the Metro school board passed. It said the Metro school board should be eliminated provided that the province will meet the following three conditions. The first condition was that all capital debenture costs should be equalized across the area. The second was that the quality of education in Metropolitan Toronto should be guaranteed and that the equalization should apply between the boroughs as it should also apply between all the boards in the province of Ontario. The third was that there should be some mechanism set up to maintain co-operation between the chairmen of all the boards.

Mr. S. Smith: What's wrong with that?

Hon. Mr. Davis: A Metro school board by another name.

Hon. Mr. Wells: I submit to the hon. member that it's very hard to conclude that the Metro school board really either wants to do away with itself, or else if it does it's suggesting perhaps total amalgamation which could achieve those three ends. But it's pretty hard for anyone reading those three conditions to believe that they were really sincere in wanting to do away with themselves.

Mr. Lewis: By way of supplementary, that's a very interesting commentary on the trustees who debated for hours to come to those conditions, I remind the hon. minister. What the minister is saying, in effect, is that despite the request for separate local school board autonomy, based on conditions which allegedly prevail through the rest of the province, another Robarts recommendation is going out the window. Will there be anything left of that emasculated report?

Hon. Mr. Davis: Do you agree with the boundaries, Stephen?

Mr. Lewis: Actually I thought it was good to get the boundaries.

Hon. Mr. Wells: That's right. I thought that that was very good.

Hon. Mr. Davis: The member agreed with the Treasurer's decision.

Mr. S. Smith: He made it a week after I did.

Hon. Mr. Wells: I am really trying to be very fair with the Metro school board recommendation. As I said to the press when the recommendation was made it will be considered; it will be given the same weight as all the other recommendations that come in to us. But I will tell the hon. member, just to show him how perplexing the situation is in this particular area, I noted that several members of the Scarborough board of education voted for the motion at the Metropolitan school board meeting.

Mr. Lewis: That's right.

Hon. Mr. Wells: I also was informed the day before yesterday that the Scarborough board on this Monday night, after the Metro school board meeting, again reaffirmed the wishes of the Scarborough board that the Metropolitan school board remain and that the Scarborough board is also very, very much in favour of a uniform tax rate across Metro for education. I think that the logical conclusion of a uniform tax rate across Metro is some kind of co-ordinating mechanism. All I'm really saying is that—

Mr. Lewis: Is that the minister is keeping the Metro board.

Hon. Mr. Wells: I'm not saying that.

Mr. Lewis: Thank you very much. The minister has answered the question.

Hon. Mr. Wells: I'm not saying that. I'd like to see some more conclusive arguments. If the Metro board had come in with the resolution and then the conclusive arguments as to how they would accomplish their three conditions, I think it would have been much more convincing.

Mr. Lewis: The government will just hire John Roberts again two years from now.

Hon. Mr. Wells: No, we don't need to do that.

Hon. Mr. Davis: It may be the member for Scarborough West next time.

Mr. Warner: Supplementary: Am I to understand that the Minister of Education does not agree that each of the area boards of Metro should have the same kinds of agreements as do other boards throughout the rest of this province, and that somehow, if the Metro board is disbanded, each of the area boards should be left to flounder on its own without getting the needed help that is available to every other board in the rest of this province?

Hon. Mr. Wells: No. What I believe is that Metro, to some degree, is a unique situation and that Metropolitan Toronto represents one economic unit made up of boroughs and the city of Toronto. For 20 some-odd years we've been looking for unique mechanisms to make

this system work; the Metropolitan two-tier system of municipal government has been one of those. The member will notice there is no recommendation that it be done away with.

Mr. S. Smith: Things that can be done locally should be done locally.

Hon. Mr. Wells: With great respect to all the other opinions that may be put forward, the Metropolitan school board over some 20 years has made a significant contribution to the advancement of quality education in this area—

Mr. Lewis: Unlike the Conservative Party.

Hon. Mr. Wells: —particularly in boroughs like Scarborough, York and so forth. The mere suggestion that it should be done away with and that all the equalizing can be done by the province without the kind of local input that is necessary is something that should be carefully studied by Metro.

Mr. Lewis: That's what we've asked for.

Mr. Warner: The minister would rather cut back and let property taxes go up.

Hon. Mr. Wells: Metro has an equalizing procedure and process to carry on within its own boundaries as well as the general equalizing process that we would have to carry on, as we do amongst all boards in the province. I want to make it very clear that the suggestions and recommendations that all these groups have submitted will be looked at very carefully and that we will be making some statements in the new year.

Mr. Warner: The minister wants Metro to do the work for him.

Mr. S. Smith: The minister knows how to pass the buck.

SPECIAL EDUCATION

Mr. Lewis: Since the minister answered me so directly on the first question, I'll take a chance on a second one. Are the rumours circulating adroitly through his ministry valid that he is about to embark on a remarkable and enlightened initiative—

Mr. S. Smith: A leadership campaign.

Mr. Lewis: Not a leadership campaign, no—to introduce a program for special education where the province would fund 100 per cent of the initiatives of the individual boards around Ontario in order to overcome these very serious difficulties of children with learning disabilities, emotional disturbances et cetera, rather than the current dependence on the weighting factor?

Hon. Mr. Wells: I really can't answer that question at this time because there are a lot of discussions going on about the 1978 gen-

eral legislative grant regulations which set the ground rules for all these payments. We've been looking at different ways of doing different things. As I told all the directors of education with whom I met yesterday there is one thing, however, that is constant and that I think must be remembered—that is there will be \$90 million more for general legislative grants next year than there was for this year and anything we do is built within that constant.

Mr. Swart: What percentage increase?

Mr. Foulds: Supplementary: When the minister indicated that he would be doing different things different ways, does that indicate, with regard to special education, he will be taking that out of the weighting factor formula—

Mr. Cassidy: Human need comes last once again.

Mr. Foulds: —and funding back directly, no matter what proportion he decides on finally?

Hon. Mr. Wells: My friend is getting into a discussion of what the general legislative grant regulation would be and I'm not prepared to do that at this point in time.

OGOKI LODGE

Mr. Kerrio: I have a question of the Minister of Agriculture and Food as it relates to Ogoki Lodge, now humorously referred to as mini-Minaki. Is he aware of a report in the *Globe and Mail* on Saturday, November 26, of a comment made by his deputy minister that there has been a complete audit of the lodge project, including funds contributed by the federal government, but that he refused to discuss its findings or release the report? He commented: "It's confidential or it's internal," which is the same thing as being confidential. Would the minister report on the audit as it exists and will we have it in time for the estimates of Culture and Recreation as it relates to that other ministry?

Hon. W. Newman: Mr. Speaker, it's like every other branch of my ministry. There's always an internal audit going on and—

Mr. Ruston: In this case, though, it was federal funds.

Hon. W. Newman: Look, one thing some people forget is that this whole project was done for the native people of this province and they built it and they did a good job. They had their own bookkeepers on the job too, and they didn't do a perfect job but they did a good job.

Hon. Mr. Davis: That's right.

Hon. W. Newman: This is very important to them. We had all native people basically involved—

Mr. S. Smith: The natives of New Zealand had some role in it, I understand.

Mr. Kerrio: Answer the question. Don't sing two verses of Ontari-ari-ario to me; just answer the question.

Hon. W. Newman: Yes, there is an internal audit. I said that. I have already answered the question.

Mr. Kerrio: Supplementary, Mr. Speaker: Would the minister—

Hon. Mr. Davis: They are losing the whole north. The member for Rainy River is getting nervous.

Mr. Reid: We haven't got much to lose. Interjections.

Hon. Mr. Davis: You are going to have to take him aside.

Mr. Kerrio: In future, where taxpayers' dollars are concerned in such investments in this type of venture, would the minister consider expenditure control and progress scheduling so the people of Ontario can predetermine what kind of tax dollars are going to be spent? Certainly the minister should be able to address himself to that kind of responsibility now.

Hon. W. Newman: Mr. Speaker, one thing the member forgets is that this was basically funded by DREE in Ottawa. In fact, 92 per cent of the project was funded by the federal government.

Mr. S. Smith: You have the audit. You know what's going on.

Mr. Breithaupt: Just because it's their money, you can't throw it away.

Hon. W. Newman: Why don't the members give me some specific questions and I will answer them? Why don't they ask specific questions?

Mr. S. Smith: Will you table it?

Hon. W. Newman: No, I won't.

Mr. Kerrio: Mr. Speaker, may I qualify my question?

Mr. Speaker: Do you have a new question?

Mr. Kerrio: The minister suggested that I didn't pose a question. May I suggest to him that I posed a very valid question. I asked him if in the future he couldn't consider controls, scheduling controls and controls of expenditures. There was a very specific question. Would he consider doing those things when we take on this kind of a job in future for the province of Ontario?

Hon. W. Newman: Mr. Speaker, we have already said many times, this was originally an agreement with the Ogoki River Guides Limited and it's like any other ARDA project. It would be a project with them. They were running the project, they were building the project, and the grants came from the province and were reimbursed by the federal government in Ottawa and that's exactly how it works.

Any time we had any indication that anything was wrong, we had people on the job to try and train and help the native people and that's exactly what we did do as far as bookkeeping was concerned. A consulting firm was hired in Toronto by the name of Group Thirty Three.

Mr. Breithaupt: Is that like Stop 33?

Mr. S. Smith: Or Catch-22?

Mr. Kerrio: Was there someone there from New Zealand? Did they import some talent?

Hon. W. Newman: No. This consulting firm that was involved did the necessary hiring of the people. As far as the article in today's paper is concerned, the person who was hired to do the auditing down here for the company that was in charge hired a certain person, and the fellow who was on the project up north didn't even know that person originally, didn't even know that person, and if members think something's wrong with a man and a woman getting to know each other after a period of time then there is something wrong somewhere.

Mr. Gaunt: Did they do that under DREE?

Mr. S. Smith: Under the apple DREE?

[10:45]

TOURISM

Mr. Wildman: I have a question for the Minister of Industry and Tourism. Could the minister confirm that of 18 tourist brochures made available by his deputy minister recently to a francophone interested in Ontario's attempts to attract and serve Quebec tourists, only four were prepared by Ontario and 14 were prepared by the federal government? And of the four prepared by the Ontario government, only one was bilingual; two were in French, and the other was in English? If that is the case, considering that about one-tenth of the tourists who visited Metropolitan Toronto area last year were from the province of Quebec, does the minister consider that an adequate attempt by his ministry to attract Quebec tourists to this province, in view of his government's stated commitment to national unity?

Hon. Mr. Bennett: I am not sure of which 18 brochures the member speaks. The overall bilingual program, or the English-French publications of the ministry, is presently under review for a different direction in 1978-79. If the member would give me a list of the brochures he is referring to, I will have them looked at.

Mr. Wildman: Supplementary: I will give the minister that list, but could the minister confirm that nearly all or most of the brochures prepared by the Quebec Tourism ministry, even with a separatist government, are printed bilingually? If that is the case, will he make that same kind of commitment in this province?

Hon. Mr. Bennett: I would not be aware in what language the brochures are printed in the province of Quebec.

Mr. Warner: You've visited every other province.

Hon. Mr. Bennett: I would imagine that French is the principal language that is used. Whether they are all in a bilingual form I am not sure, but we can also have that looked at.

We are looking at the overall program of the province of Ontario and its brochure publications, both in the field of industry and tourism, in relationship to the Paris office which we recently opened.

RAILWAY LANDS

Mr. Yakubski: I have a question of the Premier. In view of the fact that 75 years or a century ago the Canadian Pacific Railway was granted huge tracts of land for rights of way for railway building and servicing the people of Ontario and other parts of Canada, and in view of the fact that in recent years some of these branch lines have been abandoned and are not being maintained or cared for properly and have been turned over to their real estate branch, Marathon Realty—

Mr. Lewis: Get to the bridge, get to the bridge. Port McNicoll, get to the bridge.

Mr. Yakubski: —what can this government do to see that these lands are turned over to the municipalities in which they are located? Presently they are not being cared for or maintained—

Mr. Speaker: The question has been asked.

Mr. Yakubski: —and Marathon Realty are asking outrageous prices for their purchase.

Hon. Mr. Davis: I want to assure the members that I had no advance notice of this very important and complicated question. As I

understand the hon. member, he is wondering whether—as it relates to CPR; whether the same would be true of CN I am not sure—certain abandoned rights of way or properties within municipal boundaries might be turned over to certain municipalities.

If the hon. member would bring to my attention some more specific suggestions he might have then certainly I would be prepared to pursue it.

I do understand it is the policy of CPR to turn some of these abandoned rights of way over to a firm that is somewhat related, called Marathon Realty.

Mr. Foulds: A wholly-owned subsidiary.

Hon. Mr. Davis: In fairness, it is also true—and I point this out to the hon. member; I am familiar with one instance in Peterborough and I do not know whether this involved abandoned rights of way—that particular company has been part of certain urban redevelopment projects in some communities in this province that have been extremely beneficial.

I would like to know just what particular right of way the hon. member is interested in. I would be delighted to discuss it with him and see if it is worthwhile pursuing with that particular organization. If the hon. member might supply me with this information I would be delighted to take it further.

Mr. Yakabuski: Supplementary: The lands in question have no real estate value. They are in the village of Eganville and the township of Grattan, the townships of Bagot and Blithfield and Admaston.

Mr. Speaker: Question.

Mr. Yakabuski: They have no real development value as they may have had in an urban centre. Therefore I would hope that some ministry in this government could be successful—

Mr. Speaker: There's no question there.

Mr. Yakabuski: —in negotiating with Marathon Realty to see that these lands are turned over to the municipalities at little or no cost.

Mr. Speaker: There's no question there. The hon. Solicitor General has the answer to a question asked previously.

ACTIVITIES OF OPP

Hon. Mr. MacBeth: On Friday last, the member for Port Arthur asked a number of additional questions about the activities of the Ontario Provincial Police security branch on October 14, 1976.

The commissioner of the Ontario Provincial Police, through the director of the

security branch, is responsible for the security of the Queen's Park complex. The director is also responsible for the administration of the Ontario Government Protective Service. The director, therefore, was responsible for assigning the security branch members for surveillance on the day in question.

I think that was one of the questions—who made the assignment.

On October 14, 1976, there were approximately 20 members of the Ontario Government Protective Service on duty at the Parliament Buildings. They are responsible for the security at the buildings only. There were two plainclothes members of the Ontario Provincial Police on duty at the Legislature that day. One was a chief inspector of the security branch whose duty included supervision of the Ontario Government Protective Service. He normally attends at the Parliament Buildings when any demonstration occurs there. The second member was assigned to plainclothes duty to ascertain if any breaches of the peace were planned or intended.

The member of the Thunder Bay unit was at the Thunder Bay demonstration as a function of his normal plainclothes duties and as a member of the security branch. Thunder Bay was not singled out when there were demonstrations throughout the province. It is simply a matter of number of personnel. The security branch of the Ontario Provincial Police has members stationed at Toronto, Windsor, Kenora, Kingston and Thunder Bay.

No information was received concerning possible demonstrations in any of the other locations, so only the officer in Thunder Bay was assigned to monitoring the demonstration there. I trust this additional information will answer the concerns of the member for Port Arthur.

Mr. Foulds: Supplementary: Could the minister, as a matter of policy, tell the House why the director felt it necessary to assign these plainclothes security officers, particularly to supervise the demonstration in Thunder Bay? The minister said the officer in Thunder Bay did this in the course of his normal duties. Why would the supervision of a peaceful, legitimate demonstration, that had a licence for the march, come under the normal duties of a surveillance undercover officer of the OPP?

Hon. Mr. MacBeth: I did try to point out that there was nothing special about Thunder Bay on that occasion. As to the general practice of plainclothes officers carrying on this kind of surveillance, they do

it in most large public demonstrations. Where there are personnel available, then it's customary for a plainclothes officer to be there and—

Mr. Lewis: Why?

Hon. Mr. MacBeth: I suppose to listen to the conversation; to learn what may be going on and what plans they may be making. Because occasionally the most peaceful demonstration, that starts off in that way—

Mr. Lewis: You've got the local police.

Hon. Mr. MacBeth: —may erupt someplace, by the spirit of the occasion, into some kind of violence.

Our responsibility is to keep the peace. If by being there and listening to what is planned—and it may not be planned in advance at all; it may be something that is spontaneous—

Mr. McClellan: General MacBeth.

Hon. Mr. MacBeth: —then we can learn of that and take steps to avoid it.

Mr. Cassidy: What is this? A police state?

Mr. Foulds: Supplementary: Can the minister tell me what one single plainclothes officer could do to keep the peace that 20 uniformed police officers, who were supervising the demonstration in Thunder Bay, could not do? Can the minister tell me that?

Hon. Mr. MacBeth: It is fine to say that we should not be doing this kind of surveillance, but I am sure many of the people opposite would be the first to criticize us if we did not have this kind of surveillance. It is in the interests of keeping the public peace.

Mr. Lewis: Oh come on. That's just nonsense.

Mr. Warner: Utter nonsense.

Hon. Mr. MacBeth: Just hold on. Mr. Speaker, these people are there—

Mr. Lewis: This is absurd. These people run around and have nothing better to do than attend demonstrations? Cut your budget!

Hon. Mr. MacBeth: If they hear that there is some rumour of proposed violence—

Mr. Lewis: That's right. For a profit.

Hon. Mr. MacBeth: —then, of course, they will report it. And that is why they are there, to keep an eye on it. If it looks as though things are getting out of hand, that people might be injured, that something of a violent nature is going—

Mr. Lewis: You have the regular police there for that.

Mr. Cassidy: This is like the Mounties—undercover agents, police spies.

Hon. Mr. MacBeth: —that is what the police force is there for throughout the province, to try and maintain law and order, not wait until trouble starts, until some outbreak, but to try and nip it in the bud.

Mr. Speaker: The hon. member for Grey-Bruce with a new question.

Mr. Lewis: You are not allowing further supplementaries to this?

Mr. Speaker: No.

Mr. Lewis: On a point of privilege, Mr. Speaker. Since demonstrations take place at this building regularly in which members of the Legislature are involved, do we not have the right as a matter of privilege to ascertain whether in fact there are plainclothes OPP people present at all demonstrations; for example, at the one which the Ontario Federation of Labour had earlier this week? I'd like to know as a matter of courtesy to the members whether that is common practice.

Mr. Speaker: The hon. member of Grey-Bruce.

JOB CREATION

Mr. Sargent: A question of the Premier—this was not a set-up. I didn't get a new hospital over there. In the light of the upcoming meeting of the first ministers with Prime Minister Trudeau, for which I congratulate the Premier, may I ask our first minister if he would consider a move that could further enhance his position? In view of the drastic unemployment picture in Ontario, what would be wrong with, at this meeting, offering to turn over to the federal government our commitment of \$100 million to Syncrude in return for a credit of \$100 million to the province of Ontario, to be put back into our economy to create jobs?

Hon. Mr. Davis: Mr. Speaker, the hon. member does from time to time have some constructive ideas. I haven't analysed this one yet to really determine whether it is constructive or not.

Mr. Conway: The question is do you?

Hon. Mr. Davis: In that he has become so supportive here this morning and interested in me furthering my position, I must say that this is such a great change on the part of the hon. member; I'm still recovering from the shock. His leader is trying to change my position in another direction and here he is supporting—well, there is a division in the member's caucus—

Mr. Speaker: The question was, will you or won't you?

Hon. Mr. Davis: Or whether or not we should or shouldn't? I would point out to the hon. member that the rationale for the—

Mr. Ruston: Make sure there's no division in your caucus, we want to keep you around for the next election.

Hon. Mr. Davis: Oh, the members opposite shouldn't be too anxious, some of them.

Mr. Reid: The Premier said that the last time.

Mr. S. Smith: And we are still here.

Hon. Mr. Davis: You're moving around the corner but you've got fewer seats.

Mr. Speaker: Just ignore the interjections.

Hon. Mr. Davis: You got a lower popular vote, don't ever forget it.

Mr. Conway: Three times and you're out, Bill.

Mr. Kerrio: Johnson thinks Darcy is still in St. Catharines.

Hon. Mr. Davis: Mr. Speaker, they are interrupting me. It is just as well the member for London Centre (Mr. Peterson) isn't here this morning to hear this discussion—

Mr. Conway: Where is the old member for London North?

Mr. Reid: Which party is he with?

Hon. Mr. Davis: I could offer a comment on that as well, but I shan't.

Mr. Speaker: I am sure the member for Grey-Bruce would like to hear the answer to his question.

Hon. Mr. Davis: Mr. Speaker, the rationale, of course, for the investment in Syncrude—and I think the hon. member is aware of this—is to demonstrate in a very tangible way the interest the consumers of the province have in the development of new resource potential in western Canada.

[11:00]

I think it is important for the hon. member to remember that probably the main recipient of what is produced by Syncrude will be the consumer of the province of Ontario. This is why the government made the determination to become admittedly a very minor partner in this development, but it was an indication of our commitment to the further exploitation of a resource that was here in Canada, rather than in the future relying to a greater extent on offshore production of this very essential energy source.

While certainly I know the hon. member has thought the idea out very carefully, I would have to say to him I would not want the impression to be left that we are any less concerned about that development and

the potential it has for the consumer and the economy of this province. That is why we might be somewhat hesitant to see if someone else would buy out our position for the use of that money in some other area.

I would ask the hon. member, perhaps over the weekend, to reflect on the longer term implications of his question, the need for that resource in the economy of this province, and the fact that if it is successful—and it appears as though it is moving ahead and will be competitive in many respects—it will be the economy of this province that will be one of the beneficiaries of that sort of investment.

I know he does look forward. I know he is thinking five and 10 years hence and is interested in the economy of his region, as I am of mine. On careful reflection he might sense that investment should remain there to make sure that our commitment, and as a result the access to this resource, remain within the interests of the people he represents in his own community, as I do in mine.

Mr. di Santo: Supplementary: During the meeting with the Prime Minister will the Premier also raise the issue of the auto pact that this year is reaching a deficit of approximately \$3 billion and is causing unemployment, especially in southwestern Ontario?

Hon. Mr. Davis: I have already raised this with the Prime Minister. I really anticipated one or two questions earlier in the week on what the discussions were with the Prime Minister but I assure the members of the House, pursuant to our discussions, I did discuss with him the auto pact.

Before the member for Niagara Falls (Mr. Kerrio) asks a supplementary I also discussed the matter of the procurement of pipe for the Canadian part of the pipeline project.

Mr. Kerrio: We hope.

Hon. Mr. Davis: I received the same optimistic response from the Prime Minister as I gave to the member. We were interested in the parallels of how the official opposition in Ottawa was asking the same kind of questions as the opposition here in Ontario was asking.

Mr. Conway: What do you think of Joe Clark?

Hon. Mr. Davis: We said to ourselves, "Where is their optimism and faith and confidence in the capacity of Ontario industry to compete with anyone?"

Mr. Cassidy: Come on, those are empty words. Empty words without guarantees.

PIPE PRODUCTION

Mr. Swart: My question is of the Minister of Industry and Tourism. It has something to

do with this optimism and faith, but perhaps I would like to have some facts on it. He will recall, won't he, that on Monday of this week he indicated that later this week he would be bringing in a full statement on the capabilities of the Canadian companies to produce pipe to meet the likely requirements of the Alaska Highway pipeline? As this is Friday of this week, what has the minister to report?

Hon. Mr. Bennett: I shall bring in a complete statement on Monday. The one reason I am not reporting to the House today is that at this very hour the deputy minister and assistant deputy minister and those related to the industrial development program of the province are meeting in Ottawa with the federal representatives, and people from the industry as well, in direct relationship to this statement relating to the pipeline and the supply of pipe.

Mr. Swart: Supplementary, Mr. Speaker.

Mr. Speaker: We have had this topic almost every day and you will be getting a complete report on Monday.

Mr. Swart: This relates to the report, Mr. Speaker.

HOME HEATING AND INSULATION

Mr. Pope: My question is of the Minister of Energy. Recently I raised in this House a question concerning the eligibility criteria for the home insulation program of the federal government, the net effect of which is to deny this assistance program to the people of northern Ontario. I asked the minister to communicate that concern to the federal Department of Energy, Mines and Resources. I asked him if the matter was raised at his recent meeting with the federal Minister of Energy, if the eligibility criteria will be changed, and when the changes will go into effect.

Hon. J. A. Taylor: Mr. Speaker, I was gratified that following yesterday's meeting of federal-provincial ministers in Ottawa there seems to be some potential for flexibility, so that a meeting will be held with the Ottawa ministers to see if that program can be varied to accommodate the needs of the different regions of Ontario, as of other provinces, to take into consideration those climatic and geographical differences, including home construction. There are some communities in this province, for example, that weren't even built in 1921. I did point this out at the ministers' conference and I'm confident that changes will be made fairly quickly to accommodate those differences.

Mr. Kerrio: Supplementary, Mr. Speaker: In addition to this kind of agreement that the minister might enter into, is it his responsibility, with the Minister of Consumer and Commercial Relations, to be certain we don't have a proliferation of people in that business of putting insulation in homes and not doing an adequate job?

Hon. J. A. Taylor: Mr. Speaker, the Ministry of Energy has been working with the Ministry of Consumer and Commercial Relations to ensure that there is supervision in connection with this matter. As the hon. member can appreciate, we want to ensure that there are no fly-by-nighters who will victimize the public. As to the administration of the program, I also indicated to the Ottawa ministers—there is another minister involved now, Mr. Ouellette—that we feel that the administration of that program should not be centralized in Montreal, but should be brought here so that we can effect, I think, a more efficient administration of the program.

EDWARDSBURGH LAND ASSEMBLY

Mr. Conway: My question is to the hon. Premier and it relates to the matter of the Edwardsburgh land assembly. The Premier seems to be one of the very select few who, some years ago, were part of the original group that gave birth to that very famous project. I wonder if he could explain to me and members of this House how it was that in the context of that industrial development scheme the government of Ontario managed to arrange a group of disparate land purchases, many of which were not connected? Given the industrial future that he had in mind, how was it that the province bought heavily within, for example, the 2,700 acre block now identified by the Dillon report as suitable for nothing more industrial than a wildlife preserve?

Hon. Mr. Davis: Mr. Speaker, I can't comment in detail on all of the acreage in that particular potential industrial site. I am sure the hon. member has read the report. He certainly has read the story in the *Globe and Mail*. I, too, read that story and I think it's obvious that perhaps not all of the acreage acquired is totally suitable for future industrial development.

Mr. Cassidy: That is an understatement.

Hon. Mr. Davis: I would say to the member for Ottawa Centre, I'd be a little careful about understatements these days.

Mr. Speaker: Order. I wish the Premier would ignore the interjections.

An hon. member: He'd have to answer the question then.

Hon. Mr. Davis: Mr. Speaker, you're quite right, I should. It's just that sometimes the interjections are more fun than the questions. And on occasion, they're more relevant.

Mr. Wildman: They're more relevant than what you're saying.

Hon. Mr. Davis: What was it the member did ask? How come there is a certain amount of acreage that may or may not be potential industrial land?

Mr. S. Smith: Why don't you buy some useless land that was useless from the beginning?

Hon. Mr. Davis: I think that as one looks to the future there may be a portion of that land that isn't entirely appropriate for industrial use. When one takes into account the potential future value, the price the province has paid, the desirability of having, if possible, buffers between industrial parks and other forms of development—

Mr. S. Smith: A wildlife sanctuary.

Hon. Mr. Davis: —there was perhaps some merit in the initial acquisition.

Mr. Cassidy: It was an incompetent decision, incompetently handled.

Hon. Mr. Davis: If the hon. member is saying that maybe not all of this land will find its way into industrial use, I won't deny that. I'm not a planner; I'm not an expert. I would only say this doesn't lessen our commitment to have significant industrial growth take place in eastern Ontario and I'm sure the hon. member has to be in support of that, whether he likes it or not.

Mr. Conway: Supplementary, Mr. Speaker: entirely in support of the last part of the comment by the hon. Premier, I would ask further what specifically the government under his direction will offer to the people of eastern Ontario in terms of future dollars to proceed with this industrial showcase, even if to some limited degree? What moneys will he be putting forward—if I might refer to the article about which he made some reference—to take this industrial showcase project off the Treasurer's back burner?

Hon. Mr. Davis: Mr. Speaker, I wouldn't say that the Treasurer has front and back burners. The Treasurer of this province has all of his burners functioning, thank heavens; unlike some of the members opposite.

Mr. S. Smith: He is probably getting burned by them.

Hon. Mr. Davis: Mr. Speaker, they do interject. They really provide me with opportunities.

We will move ahead with Edwardsburgh, I can assure the hon. member.

Mr. Wildman: Give us a date.

Hon. Mr. Davis: As to the direct question into the form the plans or the incentives will take, I think the member, being a relatively intelligent individual, recognizes that there has to be, as well, some viable economic operation that we can certainly do our best to attract, to promote, to make certain economic considerations available.

But at the same time, there has to be some desire on the part of industry to locate in that geographical location.

Ms. Gigantes: The Minister of Industry and Tourism (Mr. Bennett) should resign.

Mr. Cassidy: You have nothing but words.

Hon. Mr. Rhodes: Boy, you should talk. You're old marble mouth.

Hon. Mr. Davis: Mr. Speaker, they really are being very impolite over there this morning.

Mr. Cassidy: With justice.

Hon. Mr. Davis: Here I was trying to be a little helpful with a problem that the members may have and this is the kind of response I get from them.

Mr. Cassidy: Our problem is with the Premier and his government. That is the problem of the people of this province as well.

Hon. Mr. Davis: I know the member's campaign is not going very well but he shouldn't get frustrated. There's lot of time yet. He has two months to put it back in shape. I can assure the member that we will do our very best to see that it is, in fact, an industrial showcase.

Mr. Lewis: Why doesn't the Premier make a contribution and put his money where his mouth is?

Mr. Cassidy: Supplementary.

Mr. Speaker: You've already had three supplementaries and you didn't even have the floor.

Mr. Cassidy: But no official ones.

Mr. Sterling: Mr. Speaker, despite what some of the people in the opposition might say, the people of my riding in south Grenville are satisfied that this government is going ahead. Due to the fact that the Ontario Land Corporation, the township of Edwardsburgh, the CNR, the CPR and the National Harbours Board own 800 acres of the 1,000 acres and all of the waterfront in the industrial area number one as outlined in the Dillon report, I would like to ask the Premier if he would undertake to tell the people of south Grenville that this government will look into acquiring two additional parcels—

Mr. Kerrio: Get the hook.

Mr. Wildman: I thought it was just Bennett who talked this way.

Mr. Sterling: —of approximately 100 acres to round out this total 1,000 acres.

Mr. Breithaupt: He would be off his rocker to do that.

Hon. Mr. Davis: Mr. Speaker, the hon. member, unlike the members opposite, has some real knowledge of what is involved. He recognizes the great potential, as do the people in the communities that he represents. As he said, they are completely assured that the government intends to move ahead with this significant project. He does point out that there are a couple of strategic parcels of land that could relate to the initial phase of this development, land which the people of that area feel the government should consider adding to the first phase. I think it's encouraging to have a local member who is so knowledgeable, so aware and so concerned about his constituents. Certainly, the government will take a look at it.

AVIATION SAFETY

Mr. Foulds: Thank you, Mr. Speaker. I have a question of the Minister of Transportation and Communications. Has he yet asked for and has he received a copy of the federal Department of Transportation's study into airline safety in northwestern Ontario? If he has, does it confirm the stories of overloading, rigged logbooks et cetera, as reported in the press? Is he prepared to ask the federal government for a full-scale public inquiry into air safety in northwestern Ontario at this time?

[11:15]

Hon. Mr. Snow: The answer is yes, we have asked for a copy of that report. The next answer is no, we have not received it and have not been able to ascertain at this time whether we will get a copy of that report or not.

Mr. Foulds: Supplementary, Mr. Speaker: If and when he gets a copy, is the minister prepared to use the authority that he has under the Ontario Airports Act to cancel any leases or agreements that he has with carriers who are named in that report as violating the air safety regulations, and cancelling those leases on airports that he runs in northern Ontario with those companies that are named as violating the safety regulations?

Hon. Mr. Snow: First of all, Mr. Speaker, we are attempting to obtain a copy of the report. We have been in touch with the Hon. Mr. Lang's office two or three times during this week and I believe the latest contact was

either yesterday afternoon or this morning. We still have not got an answer. I am most anxious to see that report if Mr. Lang will release it.

Mr. Foulds: Ask the Globe and Mail for their copy.

Hon. Mr. Snow: The first thing I will do if I do get the report is read it, then I would be in a better position to comment on the balance of the question. With regard to the recent amendments to the Airports Act which do allow us to enter into leases with operators on airports operated by the ministry, I am not aware at this time of any leases that we have entered into. There may be some in the preliminary stages but I will certainly look at that aspect.

Mr. Wildman: Supplementary: Could the minister, when in contact with his federal counterpart, request a report to confirm or deny the press story that two jumbo jets almost collided over Sault Ste. Marie?

Hon. Mr. Rhodes: They have already denied it.

Hon. Mr. Snow: Mr. Speaker, I also have read that press report regarding a so-called near miss or near hit, whatever it might be called, at Sault Ste. Marie. As one who spends quite a considerable amount of time in that air space myself, I am very concerned with regard to that. The stories we have heard to date are conflicting. I am sure this matter is being extensively investigated by the federal ministry and by the two airlines involved, who I am sure are also very concerned. I feel this should be looked into very carefully and the association of controllers and the Airline Pilots Association should also be involved in seeing what this problem was.

It is not the first of these instances we have heard about and I am quite sure it won't be the last, but it may not be exactly as it has been reported either. Although I, as the hon. member I am sure knows, have no jurisdiction in this area, I am most interested and will obtain whatever information I can.

OHTB BUS LICENCE

Mr. Haggerty: I would like to direct a question to the Premier as it relates to the possibility of loss of jobs to Gray Coach Lines: Has the cabinet arrived at a decision to rescind a previous decision of the Ontario Highway Transport Board on November 22, 1976, that allowed rights to Eastern Canadian Greyhound lines' Stock Bros. Bus Lines to operate services over three major profit-producing Grey Coach routes in southern Ontario?

Hon. Mr. Davis: No, Mr. Speaker, we have not as yet.

Mr. Haggerty: Supplementary: When can we expect a decision?

Hon. Mr. Davis: Just as soon as possible.

Mr. Eakins: In the fullness of time.

Mr. S. Smith: You're bleeding the company in the meantime.

TRUCK LICENSING

Mr. Philip: A new question of the Minister of Transportation and Communications: Can the minister inform the House of how many new applicants for R licences have been heard by the Ontario Highway Transport Board since the minister made his statement concerning the need for moratoriums on October 21? Can the minister tell us how many new licences have been issued and how many have been denied in that six-week period?

Hon. Mr. Snow: I will get that information, Mr. Speaker.

Mr. Philip: By way of supplementary: will the minister—and perhaps he can give this information early in his estimates next week—also supply us with a comparison with the number of new applicants in a similar period last year and with the number denied during that six-week period? There is a general feeling in the industry that there is no moratorium taking place right now on our licences, other than the normal slowdown that takes place at this time every year.

Hon. Mr. Snow: I will also ask the chairman of the Highway Transport Board for that information. But I would point out to the hon. member that in my statement to the House, I believe I specifically stated—at least it is certainly my feeling—that I cannot prevent any individual from making an application. I believe that the so-called moratorium I asked the chairman to impose, cannot be imposed on applications.

PETITION

ROMAN CATHOLIC SCHOOL BOARD OF CARLETON

Ms. Gigantes: I am sending to the Minister of Education (Mr. Wells) a petition signed by parents who are electors of the Roman Catholic School Board of Carleton against amalgamation with the Ottawa Separate School Board. It is signed by 248 ratepayers.

ACTIVITIES OF OPP

Mr. Foulds: Does the Speaker want me to raise my dissatisfaction at the end of the routine proceedings?

Mr. Speaker: Do it now.

Mr. Foulds: I would like to give notice of my dissatisfaction with the answer of the Solicitor General to the supplementary questions I asked today with regard to OPP plainclothes security officers.

Mr. Speaker: Give your written reasons to the table as soon as you can.

REPORTS

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill without amendment:

Bill Pr4, An Act respecting the County of Peterborough.

Your committee begs to report the following bills with certain amendments:

Bill Pr10, An Act respecting the City of London;

Bill Pr20, An Act respecting the Township of Georgina.

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

(continued)

On vote 1401, ministry administration program; item 1, main office.

Mr. Warner: As I recall, we left off rather abruptly last time at a point where I was asking some questions pertaining to inquiries, using, as a specific example, the aluminum wiring inquiry. I was really wanting to know how the minister perceives that any inquiry under the direction of his ministry should proceed. I chose the example of aluminum wiring because it's current and because I'm quite concerned about how that inquiry has been going. I take it that it's general policy to set up a fairly wide scope for an inquiry, and in the case of the aluminum wiring, the ground rules were pretty broad. I understood that it allows for opinions to be rendered, information to be tabled, as well as expert advice.

What I'd like to know is, if that's the case and the minister becomes aware that the

rules are not being adhered to—the rules which he set up for the inquiry—what does he see as his alternative? What should he do in the midst of an inquiry, in the middle of it, before it's completed? What should he do then?

Hon. Mr. Crossman: Firstly, I think we should understand that as is the case with, I think, all inquiries of this nature set up by government, regardless of the ministry, we set out the rules for it; the scope of inquiry, really; their mandate. The inquiry then goes on to retain counsel and so on.

On some occasions, some people may have doubts with regard to the progress of the inquiry, those hired and how they are conducting themselves. I recall, for example, when I was on the committee on the Ombudsman, there were—and still are, I suppose—a lot of questions raised with regard to whether or not the hearing set up to deal with the North Pickering landowners in fact was as wide as was intended and whether the counsel hired for the inquiry was, in fact, not restricting the scope of the inquiry more narrowly than intended because of his own interpretation of the criteria set down.

That's always a risk. In those cases in which we have an inquiry set up to deal with a matter, we really hope not just to cover some territory, but to satisfy the public. This is a greater mandate, I suppose, than just filling the bounds of those words set out. It's clear to us in reviewing some of the transcripts that they appear to be covering the appropriate territory. They appear to be going at all the areas of investigation requested in the terms of reference.

I would agree that we cannot get involved, and I think the member would agree we ought not to get involved, in calling up counsel and telling counsel to the inquiry how he or she ought to behave on a day-to-day basis. If I call on a day-to-day basis, or indeed irregularly, then I'm intervening at some stage, not having sat through the entire inquiry. We have to retain the best counsel we can and hope that counsel will do the job he has been hired to do, within the terms of reference of the committee, with all the training that his legal background can give him. Obviously I can't ensure that in each case, in each inquiry, counsel conducts himself or herself as I might, as indeed the member might or as indeed the member might prefer counsel to.

By and large, I want to say that in this matter we have gone over the transcripts; it appears to be covering the appropriate territory. Whether the member thinks the counsel in this case has been unduly restrictive becomes at some stage a matter of opinion.

Counsel obviously thinks he has not. I might say the commissioner, Dr. Wilson, obviously thinks he has not. At this stage I think it would only be appropriate to have the inquiry complete its work. That's the only thing that we can and will do at this time.

It's quite open to the hon. member, or indeed myself, to reflect upon the scope when the committee comes in and the report is in. If the hon. member is not satisfied at that time with the results of the hearing and wishes to draw to my attention, and the attention of the public, certain facts about what the commission did and did not look into, then that's not only appropriate but indeed that's what the member is here for.

[11:30]

You will recall, of course, that this is like all inquiries; it is set up to investigate something and report to us. Whether we are talking about, for example, the Robarts report or the aluminum wiring report, obviously the action the government takes depends upon a lot of factors. One of the factors affecting what we will do afterwards, obviously, will be some reflection upon the scope of the inquiry and how it has gone.

I want finally to say, as I said earlier, that my concern is not simply that the words and letters set out in terms of reference have been followed and followed appropriately and within legal bounds and by good legal counsel, all of which I think is the case—we have a larger concern when we are dealing with something like this, something which the public is concerned about. The public must feel and know that their concerns have been dealt with and dealt with adequately. There is no point, in my opinion, in having an inquiry unless the public is satisfied that the inquiry has been full, far-reaching, and fair.

As a result of some of the concerns brought to my attention, we have had one discussion with Dr. Wilson and will have another one next week. We are not—and I want to make it absolutely clear—we are not about to tell him how to run the inquiry. We are not about to suggest that it has not been run properly. That is a practice we will not get into.

I think it is appropriate, though, that we express some concerns, much like the concerns I have expressed this morning to Dr. Wilson, so he will know of our concern and, indeed, your concern and the concern of the public.

Finally, I have to repeat that we see nothing in their progress that indicates they are not fulfilling the mandate they have been given or that their counsel is not acting properly. The concern has been expressed, and

I am sure Dr. Wilson is well familiar with that.

In all of what he might feel to be his justifiable concern with regard to the progress of the inquiry, I am sure the member will remember that he would not want us to establish a precedent, nor should we, of intervening in the day-to-day running of it, saying, "You should have heard this witness or you should not have heard that witness."

It is to avoid precisely that sort of over-tone that the hon. member and others in his party and in my party and in the opposition often ask for independent inquiries and royal commissions. So you get it out into the hands of professionals who are going to do that and do it within certain bounds.

After it is finished, we will assess the progress and it is quite free to the member to comment at that time.

Mr. Warner: With respect, you haven't really answered my question. I mean, what happens after the inquiry is completed and you become fully aware that your terms of reference were not adhered to? What do you then do?

Hon. Mr. Crossman: Looking at any of the other examples—there have been a lot of them in government—I can reject it entirely. We can reject the report entirely. We could accept the report entirely if we were satisfied, conversely to what the member suggests. If we are satisfied, obviously, we can adopt the report.

If it is somewhere in the middle, we have many courses of action. We could have a further study done within the ministry on the basis of the research done by Dr. Wilson. We could conceivably appoint a select committee. I want to flag right now that that is not high on my list of alternatives.

We could, indeed, ask for a new inquiry to further two or three matters, if there are two or three matters that may not have been covered or not have been covered sufficiently. We could ask the same people to review two or three items if they would be willing to do so as a result of any of these comments. So I have no special suggestions to offer the member. The member can suggest some alternatives that we might follow at that time.

Again, I would urge the member to keep in mind my remarks with regard to attempting to assure the public that this round is being held widely and fairly. In that regard I would rather see us discuss alternatives if, as and when, and only when, there is some dissatisfaction with the ultimate report. I would urge the member to wait until we get

the report; maybe he will be pleasantly surprised.

Mr. Warner: I hope so. Your concern is what it should be, that the public will have had a full and proper inquiry. That is why I find it very disturbing when I learn that some testimony is rejected because it comes from "a housewife." That really bothers me. You set up a public inquiry, which, I assume, is to invite the public to inquire of the matter before the group that is appearing. Therefore, the public is fully entitled and right to raise concerns and to offer opinions, unless the persons happen to be housewives. That really I find disturbing. Perhaps you can give me an answer to that. Beyond that, I would like to know what involvement Ontario Hydro has had in this whole business in terms of the inquiry. Has it had a lawyer present at each of the hearings? Has the lawyer for Hydro been cross-examining witnesses? I use the term "cross-examining" because I assumed that a public inquiry should not have cross-examination, in the legal sense as we understand it applies to the courts, but that term was, in fact, used by the counsel for the inquiry. When an elected municipal official approached the inquiry to give information, she was then requested to be cross-examined by the counsel of the inquiry. That procedure concerns me as well.

I have raised previously the matter of Ontario Hydro with the minister. I would like some explanation as to its involvement in this whole inquiry because I feel very uneasy about it. Ontario Hydro has something to protect. It would seem quite reasonable that Ontario Hydro could face substantial losses on virtually every house fire in aluminum-wired homes since 1968, should the inquiry find that aluminum wiring is defective and is the cause of fires. Then, obviously, Ontario Hydro leaves itself open to some substantial losses, so it obviously wants to protect itself. Such being the case, I would think it should have a very limited role in terms of the inquiry. That is, it should come and present evidence, as anyone else should be able to do. It should present its views and its opinions, as even a housewife should be able to do. But, beyond that surely—

Mrs. Campbell: What do you mean, "even"?

Mr. Reid: He is being facetious.

Mr. Warner: If you were following before, I'm using it facetiously in terms of what I had raised with the minister, because housewives, it appears, are not particularly creditable people in the eyes of the inquiry. It is considered wrong, absolutely dead wrong,

when a housewife says, for example, as Mrs. Elizabeth Clair did, "Weird things happened: lights in house at low power; when the oven switched on, light in the other part of the house went on; when upstairs light was turned on, burner on the stove would heat up, very dangerous if a cloth was left across the burner; clocks went at a slow speed."

There may be explanations for all of that that are not connected with aluminum wiring; agreed. But surely Mrs. Elizabeth Clair has the right to come in front of an inquiry and tell it what she knows from her experience. She is not an "expert" in aluminum wiring. She is a housewife.

I don't want to take up the time of the committee unduly, but I would stress again with the minister that I think it's extremely important for us to know precisely the role that Ontario Hydro has played in the whole inquiry and whether or not the minister views the role that Ontario Hydro has played to be fit and proper. Has there been legal counsel there? Has that legal counsel been cross-examining witnesses in front of the inquiry? Is that a proper thing to do, or does that process really lie with the counsel for the inquiry rather than the counsel for Ontario Hydro? Having posed those several questions, I'd like an answer.

Hon. Mr. Grossman: Yes, it's precisely because the member and I may differ with regard to some of the speculation, for example, on the role of Ontario Hydro, that you do set up the inquiries and appoint counsel. That's one of the good reasons you appoint counsel, to help with some of these difficult determinations and what role each interested party is going to have and through what vehicle. Cross-examination or submission, affidavit, non-affidavit, expert evidence, non-expert evidence—all of those considerations are a part of the responsibility of counsel.

In the case at point, I can only say to the member it's not that different from other inquiries set up by the government. You set them up, this is the mandate, this is your budget, hire staff and do the job. You and I will disagree, perhaps—I'm not saying we do, but you and I may disagree—on some of these items, such as the role of Hydro.

The question is, would the member anticipate a situation in government where, when a discussion occurs on the floor of the House or by way of exchange of letters between a member and a minister, there ought to be some intervention by way of the responsible minister getting hold of counsel and saying, "I really think you ought to hear so and so," or indeed—to take an example, and I want to make it hypothetical so it doesn't come out

any differently in Hansard—"I think that Hydro should or should not be entitled to counsel"? That would be highly irregular and, I think, inappropriate for government to get into. That sort of decision, that sort of value judgement should occur after the fact, when they've reported.

You may rise and say, "You would have had a different outcome had you had or had you not had the input of Ontario Hydro," just to take a specific example, but I don't think you would want a situation where I was on the phone regularly or irregularly to the counsel or the commissioner telling them how to run the inquiry. I think it's our responsibility to appoint them, set out the criteria, the mandate, and fund them; and perhaps from time to time to express a general concern.

I think it's fair for the commission to be aware of a concern I have or that you have and, indeed, the commissioner is no more entitled to have my concern than yours. I don't look upon my concern as being any better, more important or more persuasive than yours. I think it's the concern of every commissioner appointed to be aware of the climate within which he's asked to study something, and if there is a public concern, I can tell you right now, I'm not expressing to Dr. Wilson anything more than the fact that there has been expressed to me a concern.

I'm not asking him to satisfy me at this time. I'm not asking him to make any changes at my direction, but I think he's entitled to have the information that's been brought to my attention with regard to a concern. Any more direct intervention by me would leave it quite open to not only you but the public you represent and others to say, "Hey, this thing would have come out differently had the minister kept his darned political hands off it."

[11:45]

I think it's very important for the integrity of the inquiry and its report, whether you agree with it or not in the end, that they be in a position, and it's important for the integrity of the commission to be in a position to say, "Of course, I had no direction or instruction or intervention by the minister or by any other person in government telling me where to go or what to do." Again, that's one of the prices you pay in a sense for putting it out there and having an independent board do it. It's just that; it's independent.

I'm going to ensure that commission remains independent and all others we may appoint from time to time. Their independence is the key to the validity of their report. Whether you agree with their report or not is totally

open for debate at the end, and we'll debate it at that time. That will deal with your question with regard to Ontario Hydro as well. It just is not going to be appropriate for me to tell Ontario Hydro they can or cannot participate.

You've asked with regard to the extent of their involvement. When we get to the vote—I think it's 1403—which is the proper vote under which the aluminum inquiry lies, that will be the appropriate time to get some specifics. By the time we get to that vote, particularly at the rate we're going, I'll make some inquiries and find out, for example, how many days they've appeared, if they have appeared, and whether they've had counsel. I'm sure that's something you can get just by asking, but I'll be happy to get that information for you. I think it's fair of you to ask it of me and, when we get to vote 1403, I'll give you those specifics. Having said that, you know how I feel about retaining the independence of the commission.

Mr. Warner: Recognizing that your concern can certainly be as great as mine, since we've been discussing this for a few minutes, I don't know why we have to shuffle it off for another vote. I simply wanted to know—and maybe you don't have the information handy—if counsel were there from Ontario Hydro and if they had been cross-examining witnesses—I think that's extremely important—and your judgement on that. Once an inquiry is set up, it should be independent and it should operate independently, but surely you have some opinion as to how things are going and that's very important.

I raise these matters because the whole business of aluminum wiring and the inquiry that's been set up are extremely important. With the concerns which I've expressed this morning, surely the minister realizes he has the possibility of having a failure in terms of that inquiry. If the ground rules aren't met, if the kinds of things which I've mentioned this morning have occurred, then when all is said and done, the inquiry is not particularly valid. Then you have to start over again and go through that lengthy process.

In the meantime, there are thousands of people who are quite anxious about their homes because they have aluminum wiring in their homes and they don't know, quite frankly, if those homes are safe. They want some answers. That's why the inquiry was set up in the first place. That's why I think if something is going wrong, if the inquiry is not proceeding properly at this point, you have an opportunity to rescue it rather than see it through to its conclusion, find out it's a failure and have to start over again. I just see that the lesser of the two evils in this case

is to try to rescue the inquiry at this point. That's why I think it's crucial to know, for example, the extent of the involvement of Ontario Hydro, not that they should not be involved but just the extent.

I don't happen to think they should be cross-examining witnesses. They should be there as anyone else would appear, to offer information, expert advice or whatever. They should come as anyone else would come to that inquiry and let the inquiry which has a right to, and, I would assume, would retain counsel, because that's needed—let counsel for the inquiry do the questioning. It's the procedure I'm raising with the minister. I am asking him if it's possible for him to give me the answers on those items. Later on when we come to the vote will be fine. I just want to be assured I'm going to have those answers; that's all.

Hon. Mr. Grossman: The reason I suggested we go to 1403 was that you might want specifics of the numbers of days Hydro's been there and what they have cross-examined on, I know you wouldn't expect me to have it right here, but by the time we get to that vote I would undertake to have it. Having said that, my efficient staff is so good that they have been able to supply me with some information for you and I want to tell you—

Mr. Warner: They are always able to prop you up.

Hon. Mr. Grossman: They are doing a good job so far.

Mr. Warner: They are.

Hon. Mr. Grossman: I understand Hydro is there only part-time. To the best of our knowledge they have not been cross-examining so far. Whether they have asked for the right and not been given it, or not asked for it and therefore it is still open, I don't know.

Regardless of what the status is, I do want to repeat that I am not going to interfere in the procedure. That is up to counsel. It is up to the commissioner. If you have comments on that, I would say to you that perhaps it might be better to let it go until we get the report in. The more furore that is apparently raised, whether it is valid or not, the more it may inhibit a successful conclusion in terms of encouraging more people to come forward. As I said earlier I want everyone to come forward who wants to, so that we will have as complete a report as possible.

So we will get some of those other specifics for you at that time within the ground rules. As I have said, I am really not going

to interfere. I think their independence is important to the validity of the report.

Mr. Blundy: Mr. Chairman, I want to raise a matter in which a number of concerns have been expressed to me and to some of my colleagues in one area of work under the jurisdiction of the ministry. That is the concern that has been expressed by people involved in the industry with regard to the suggested possibility of withdrawing or reducing services of inspection and so forth on the manufacturing of boilers and pressure vessels and the pressure piping that goes with this sort of installation.

It has been suggested that if the quality of the inspection and the time spent on inspection is reduced, it will affect us in several areas. I am thinking of the quality of the products, not only for the use of the people and the industries of Ontario but how this will affect our possibility of doing business in the United States and other countries in the world as it affects Ontario manufacturers.

I have had some representation made to me by the Oil, Chemical and Atomic Workers Union. As you know, pressure vessels and boilers and piping and that sort of thing are a very common part of the industries in my riding. We all have to have absolute faith in the manufacturing of them and the operation of them.

I want to ask the minister if the ministry is considering eliminating or even reducing the present facilities and personnel for inspection? If he is contemplating that, I would like to hear the reasons they would have for bringing this in. We in this opposition party are most anxious to reduce expenditures of any ministry and to cut out anything that is not of need and value to the people of Ontario. But I certainly question whether this is one of those cases. I would like very much to have the minister give us the views of the ministry in this very important field.

Hon. Mr. Grossman: Yes, as I confirmed yesterday in question period—and there was no secret about it because industry certainly knew about it—we are once again looking at the question of reducing our involvement in this area. It is something that indeed has been around for a few years. The ministry considered it a few years ago and chose not to go ahead with it at that particular time, because of some very good reasons brought to their attention by industry at that time.

We must be aware that the situation is getting to be more crucial because of the

great growth in the use of nuclear products. This means that our inspectors, of whom we have 35, need substantial retraining and upgrading and new education in order to deal with nuclear installations. Only eight of our 35 now have any sort of technology or qualifications to look into and properly inspect the nuclear installations. Obviously, we are going to have to increase drastically both the expertise of other inspectors and the numbers of inspectors if we are to stay in the field.

I think we should confirm that we are not about to say that boiler inspection is not going to be required. We are not saying that at all. What we are saying is, should government have the full and complete responsibility for certifying all of those installations? Or should we move to a situation where our people are carrying on with an auditing and monitoring role while people in the private sector are carrying out the inspection functions, getting paid for the responsibility they take in certifying them, and getting paid for the training and expertise they will have to acquire?

It seems to me to be my responsibility to the taxpayers of the province to look not only at this area, but all others areas where government is performing a service. Other than certifying with regard to safety, we are going farther than that in the sense that we are providing a service. We are going out there and doing the field work, we are training people to do that field work, making recommendations on the site with regard to what will be acceptable, and finally putting the stamp on it as approved. That carried with it, of course, governmental approval.

Should the taxpayers of this province be involved in all sorts of those types of activities? If you think about it, there could be an argument raised for our getting into all sorts of new fields where safety is involved. A good argument could be presented for our setting up a whole lot of inspectors, training them and sending them out to certify dozens of products, dozens of installations, in all sorts of fields, as having been approved as safe by government.

That is a precedent we don't want to establish, especially in an area in which there is an alternative. There are many jurisdictions in which those who are insuring these products, and those, who are installing them and those who are buying them, have jointly got together to see that there is an inspection carried out, a service they can purchase. I am thinking now

especially of the insurance companies that have set up, in many jurisdictions, an inspection vehicle. Inspectors go out, do the inspection, and I tell you the inspection in those jurisdictions is likely every bit as good as the inspection carried on by my people in my ministry.

It is an inspection which is a pure function of training. There is nothing special about having those trained people working for government rather than for a private company. Where we can go into privatization, we can move it out into the private sector without reducing one whit the amount of protection provided to the public in terms of the inspection and the safety of those products.

Where that can be done, as well saving the taxpayers a good deal of money, then I am sure the member would agree with me it would be incumbent upon us at least to investigate, to see whether that sort of move into the private sector is appropriate. That is, can it be done as safely as we suspect it can, because in most cases it would be the same inspectors, I expect, but working for someone else.

Secondly, can it be done less expensively for government? I think the answer to that is probably yes. I think it is my obligation to study that. While we study that, the industry can be well assured that we are not about to move unilaterally, and it is not about to happen tomorrow or next week. Discussions have been going on and that's why it has been brought to the members' attention, quite appropriately, by those who are concerned. They are well aware of it.

The next meeting we will be having with industry is sometime next week, I believe, at which time further discussions and comments will be exchanged with regard to the pros and cons. Industry has made some very good points.

The point the member makes this morning with regard to their ability to sell these products outside of the country, without having something indicating the government stamp of approval is a point that is well taken.

[12:00]

I should add that we are also aware there are some jurisdictions which don't have government stamps of approval, as it were; where similar products are made and there appears to be no difficulty in selling them. While it's a very valid concern, in the sense that I suppose someone who has always been buying from Ontario suddenly sees the government stamp of approval disappear, I

would want to satisfy myself that it is as real a concern as it appears to be.

Those are the variables that are being turned over right now. I can assure the member it's not going to happen quickly; but yes, we're looking into it. It's something we think we're obliged to look into within the confines of what I've said. There will be no decrease in public protection at all, and probably less cost to the taxpayers of the province; but unless we can do that without causing a situation where industry is adversely affected in terms of its sales viability, then we wouldn't go ahead. Whether we get out of it a lot or a little, or begin to phase out or whatever, those matters are all up for discussion now and industry is being consulted on literally a day-to-day basis to hear what it has to say about it.

Mr. Blundy: I am reassured a bit, Mr. Chairman, that industry is being considered as a partner in the discussions with the ministry on its move to withdraw or reduce its inspection services. However, I want to repeat to the minister, and to you Mr. Chairman, that the products concerned are of vital importance to our industries and to our economy and it could be a very hazardous thing if the inspection is not continued.

I personally believe that the people who are involved in manufacturing for export are very much concerned about having that stamp of approval of the province of Ontario on the product. That, over the years, has grown to be a very respected and very highly thought of approval. I just want you to know that people in the industry, particularly many of the people who are involved in the various unions, who are working in industries where these sorts of things are used very widely, are concerned about it. I would like the minister to keep us informed about just what the negotiations are and what the pros and cons are that are put forward in this matter, because I really believe it is something of concern to the people of Ontario.

Hon. Mr. Grossman: We'll keep the member informed, of course, as the discussions continue.

Mr. Ziemba: I know the minister is fairly new on the job, but from what little I know about him he learns fairly quickly. I wondered if he's noticed the growing trend on the part of the bars and taverns in this province to cater to the teenage market. Where previously these outlets would feature jazz and traditional singers, we now have open pandering to kids. It's no secret that young people 15 and up do the rounds quite regularly and, in fact, the dramatic increase in alcohol-related

automobile accidents involving teenagers is a direct consequence. The Liquor Licence Board, I believe, has the responsibility to provide some leadership in this regard. I wonder what your ministry is doing by way of charging establishments with selling to underage teenagers, what steps you are taking to prosecute these bars and taverns, and also how many licences have been cancelled over the last few years or this very infraction?

Mr. Chairman: I am just wondering if some of those specific questions should come under a later vote. This is main office and it is on general policy.

Mr. Ziemba: This is general policy, Mr. Chairman. Perhaps I will wait for my answer under the general vote. I have another supplementary.

Now that we have the body rub parlours going underground, I wonder whether the minister has noticed that we seem to have gone full circle again and the emphasis is back to topless waitresses. More and more bars are featuring topless waitresses.

I ran into Mr. Juli Troll of the bartenders' union at the OFL convention yesterday and he told me the board just looks the other way as far as the degradation and exploitation of women is concerned. I wonder if the minister is prepared to provide some leadership in that regard. If he finds that the board is indeed gutless, perhaps he would consider bringing back Chief Mackey, who took a hard line on that particular practice.

One more supplementary: Just to get away from this degrading aspect of tips that the Minister of Industry and Tourism (Mr. Bennett) is always throwing up, why doesn't the minister provide some leadership? He is a new minister and he could really make his mark by providing some leadership and going after the Minister of Labour (B. Stephenson) to raise the minimum wage so that waiters and waitresses could get a half decent income without resorting to tips.

Hon. Mr. Grossman: I am not sure which part that last thing will fall under, but when we get to that part of my votes, we can discuss it further.

I adhere to the member's remarks about bringing back Mr. Mackey, who was very fine, I can understand his sympathy. Indeed, he may want us to bring back Judge Robb who, I am sure, the member found to be quite suitable, as we did at that time.

I want to tell him that we will have some of the statistics he asks for at that time, but I think before he accuses the liquor board rather wildly of not caring or looking away, or whatever silly term he used, he should be aware that a reading of the Act will tell him

that the Liquor Licence Board no longer has the power to regulate entertainment standards in licensed premises. It just hasn't got the power to do that.

When you talk about my having some concern in the area, yes, I do have some concern in the area. Happily the Assembly will have the chance, as you well know, to debate the whole matter of liquor, the availability of licences and a whole range of other matters when the whole liquor package gets to the—I shouldn't say liquor package, should I?—the whole question of liquor.

Mr. Cunningham: Did you say "when" or "if?"

Hon. Mr. Grossman: When. Pursuant to the Premier's (Mr. Davis) statement of November 10, which I know you read carefully, when we get the matter before the Assembly sometime in the spring, I believe there will be a rather wide-ranging discussion of these matters; with the end in mind, of course, that that is the forum in which the member may express some desire to change the laws, and may argue that we should have the power to regulate entertainment standards.

I can't pretend to you that I am not concerned about the entertainment that goes on in some of those places; of course I am. At the moment I don't have power in this area. Whether or not we should have power, in view of the fact the Assembly really moved us out of it in 1975 with the new Act, is a matter for the Assembly.

When we get to the liquor vote in our estimates, we may wish to discuss the whole matter of what powers we ought to have, rather than the powers we do have. With the powers we do have—I have just told you what they are—we just can't move on entertainment standards. Whether we should I would be pleased to debate with you when we get to that vote, or indeed in the spring.

Mr. Davison: Mr. Chairman, on the subject of liquor, before we leave it until later, I would like to raise with the minister the problem presented to this committee by the position of the LCBO. I understand they don't fall within the vote of the Liquor Licence Board but rather are an independent section loosely connected with your ministry that doesn't really fall into your estimates. In that sense how, when and where will we be able to discuss the Liquor Control Board?

Hon. Mr. Grossman: If you want to discuss something such as Liquor Control Board stores, you won't find it in my estimates. If you want to discuss liquor policy generally, licensing, enforcement and even the drinking age, it may be an appropriate subject—I direct this to the chairman of the committee—to

discuss it under my estimates. I can't tell you that Liquor Control Board stores, their policies and their outlets, come within my estimates, because they don't.

Mr. Davison: Mr. Chairman, my concern is in the field of the purchasing procedures followed by the LCBO, in regard to the fact that they fail to use the central purchasing agency of the government of Ontario, the Ministry of Government Services.

Mr. Chairman: I think the minister just said this would not come under these estimates. I have just been informed it is a Crown agency.

Mr. Davison: And therefore comes under nobody.

Mr. Chairman: And therefore does not come under these estimates.

Mr. Davison: What I want to raise with the minister, if I might, Mr. Chairman, is what I have raised with the Minister of Government Services (Mr. McCague), namely, that the Minister of Government Services sit down with the Minister of Consumer and Commercial Relations, and possibly with somebody from the LCBO, to talk about that problem with the LCBO.

I am wondering, while we are on the subject of policy, if we could perhaps get from you a commitment to involve yourself with the Minister of Government Services in that issue.

Hon. Mr. Grossman: I am not sure I can be helpful to the member, except that I wouldn't like him to think there is nowhere he can go. I will pursue it with the Minister of Government Services and get back to you, saying we can or we can't and this is the route you might follow. I will try to help in that respect.

Mr. Davison: Thank you. That is the commitment I would like from you. Finally on the administration program, I want to raise a question about the relationship between the ministry and the Provincial Auditor. Will that fall under financial services or audit services, or under the vote we are currently on?

Mr. Chairman: It sounds to me as if it would be under audit services, item 7 of this vote.

Items 1 and 2 agreed to.

On item 3, supplies and office services.

Mr. Warner: This is my opportunity, I suppose, to raise again the business about aluminum wiring?

Mr. Chairman: No.

Mr. Warner: I'm sorry, I haven't got a book in front of me. We are still on vote 1401, I take it?

Mr. Chairman: We are still on vote 1401, item 3.

Mr. Warner: My apologies, Mr. Chairman. Item 3 agreed to.

On item 4, personnel services.

Mr. Davison: I am concerned about the questions that were raised in the last estimates, and really never answered to my satisfaction, in regard to the hiring policies of the ministry and its various branches, and connected organs and elements. I was particularly concerned about the fashion in which the rent review program set about hiring its staff through Drake Personnel. I wonder if you could explain to me if that is, as I hope, a total oddity and something that occurs nowhere else within your ministry? [12:15]

Hon. Mr. Grossman: We are not about to tell you anything that you won't find in last year's estimates. All management staff is contract and they are not from Drake. The bargaining unit people do come from Drake. That frees the management end to look after the administrative part of the program and, in fact, as I think it says—I recall I think I sat through the estimates last time—that means that in essence it is cheaper to buy that service from Drake than it would be if our administrative staff in a short-term program undertook all of the personnel and day-to-day operative and hiring procedures and set up something to do it themselves.

I think we have only two complement positions in rent review. So with regard to Drake—in fairness, I am not about to add anything that was not set out last time—we buy from Drake that sort of administrative overhead cheaper than we think our management people could do it themselves. As you know, the situation would not have changed much from the initial hiring to the present time, because obviously the program is in place and, if anything, the numbers have been reduced.

Mr. Davison: I understand what was in the debates of the estimates last time. I do not know how short-term the rent review program is—I do not have the same crystal ball the ministry has—but my concern was not so much with the rent review program, which I think I understand, but with the rest of the ministry and all of the odd little groups, organizations, et cetera, that come within the confines of this ministry. Are there any programs or any other places in your

ministry where you follow the procedure that was followed in the rent review program? Or is the rent review program the only place where Drake Personnel or like companies are involved?

Hon. Mr. Grossman: Generally speaking, no. Obviously, from time to time we may hire an individual person for an individual job through a private agency.

Mr. Davison: Could you expand on that perhaps? Do you deal with one particular personnel agency that you have let a contract to or you have tendered a contract to? Or do the personnel companies approach your office to assess your needs? Could you expand on your comment?

Hon. Mr. Grossman: The main agency we deal with is the one for the government of Ontario, "GO Temp" as it is referred to. From time to time, we also go to other agencies when the need arises. There is no overall policy in this sense. When a particular need comes up where an agency may be an agency most suited to supply that sort of person because of his or her particular expertise, we may go to that agency and ask for its assistance in filling that role.

Mr. Davison: Finally, while we are on the subject, do you use the services of Canada Manpower before you go to these particular personnel agencies?

Hon. Mr. Grossman: The answer is on many occasions we do.

Mr. Warner: Not all?

Mr. Davison: Is there a specific reason for your not using Canada Manpower in all cases? Is there an example of the kind of case you could tell me that would explain that?

Hon. Mr. Grossman: Almost invariably, I am assured, we do check with Canada Manpower. I'm told, to be fair, that there are sometimes cases where a specific skill is sought and the particular Manpower office in that particular part of the province may, to the knowledge of our people, just not have that sort of information on hand to permit them to fulfil the need we're asking about.

I should say to the member it's something that I recall having been dealt with in last year's estimates, and it's something that I'm going to have one more run-through on with regard to just exactly when we do and when we don't go to Manpower.

Mr. Davison: Finally, Mr. Chairman, when the minister does look at this matter, he might consider issuing a directive that in all cases where we go outside government to a private

personnel agency, regardless of how we do it, we first go, in all cases, to Canada Manpower. That way, any potential problem that may arise, or any potential criticism of the ministry that may arise, won't happen, because you'll have gone to Manpower first. I just offer that as a consideration for a policy in the ministry.

Hon. Mr. Grossman: Just so that we'll have the record straight, I want to reaffirm that all our vacancies are listed with Manpower at the present time. With regard to specifically asking, I want to assure the member that it's something that I did recall from estimates last time; specifically, yes, we will take steps to ensure that Manpower is consulted first in all cases.

Item 4 agreed to.

On item 5, information services:

Mr. Blundy: Mr. Chairman, item 5 under information services, is up substantially—significantly, I would say—from the actual of 1976-77. I am not sure just what comes under "information services." I wonder if the minister could tell us. Does this mean the provision of information on existing laws for the protection of the consumers in Ontario, the promulgation of information under the Business Practices Act, how the Consumer Protection Act will protect the consumers, and so forth? Is this the sort of thing; and if so what is the minister going to do to make more information available to the public on how they are protected and how they can protect themselves?

Hon. Mr. Grossman: The member has on previous occasions quite eloquently pointed out some of the problems in letting people know about the Business Practices Act and some of the other consumer protection offered by the ministry. In short, this is information services. It's the key function of this branch to help us communicate with the public with regard to those specific resources that are available to the consumer through our ministry. I recall, for example, that the member quite appropriately pointed out the other day that one of the most effective ways of getting to the public is through television.

One of the major reasons for the increase in the estimates as shown is a series done on OECA. The most recent was on view last night, as a matter of fact. It is a series in which each of the different areas of consumer protection available through our ministry, from motor vehicle to the Travel Act, from insurance onward, each branch was allotted an evening on the program. It's half an hour, and we had the full series running this fall, which we believe has gone reason-

ably well. It's certainly something that is easier for the viewer to consume than some printed material.

This is something we discussed earlier. That is a major part of the increase in expenses as shown in the estimate, and frankly is something that I'm happy about. It's an increase that I think is well justified in terms of not only the OECA portion but everything else we're into.

We talked the other night about some of the publications we were into. I don't think we need to cover that territory again, but if the member would like more details of where we're spending that money in terms of getting it across to the public, I'd be happy to provide it.

Item 5 agreed to.

On item 6, analysis, research and planning:

Mr. Davison: Yes, Mr. Chairman; I would appreciate a further explanation of this program other than the description that appears in my book because, for this item like the last item, the only description is as follows: "This program consists of activities representing the administrative and supporting services for the operating programs of the ministry." I wonder, perhaps, if you could expand a little bit on what you're doing in this particular program?

Hon. Mr. Grossman: Yes, it happens to be not so high profile, but it's a very important part of the ministry. It provides advice and support to the ministry generally, myself, my deputy and the division managers, on all aspects of systems analysis, systems development, data processing and consulting in the ministry. Some of the activities include developing a policy for the organization, use and control of systems resources in the ministry; feasibility analyses to determine future systems and business practices and, for the registrar general, participation in land registration management committee to determine the nature of future land registration systems—obviously something which is something very important—and evaluating mini/computer technology vis-à-vis data conversion needs in the ministry, data conversion for the PPSR system and data capture plus financial recording for the finance branch.

In essence, this program helps us keep up to date with technology, systems, be they computer, information systems or whatever, which will enable us, over the next period of time, to make sure that some of the very complex matters dealt with by the ministry in terms of sheer volume, information, statistics and so forth, are done effi-

ciently and up to date and as modernly as possible. The day-to-day savings of this, obviously, are not shown in any one year but if you have a good land registry system in 1985, if you're able to deal with the registrar general's information efficiently in 1981, it will be because our systems have been currently monitored, reviewed, updated and analysed and also assessed as against current modern technology.

Item 6 agreed to.

On item 7, audit services:

Mr. Davison: Mr. Minister, I was quite concerned about an item that appeared in the 1976 report of the Provincial Auditor. I've raised it with the Provincial Auditor and he's been kind enough to answer what questions I had of him in regard to his involvement in the case. I wonder if you, through your checking with your officials who were there at the time, can offer me some explanation of the involvement of your ministry. It's on page 69 of the report and it's item 96: "Unauthorized expenditures re the Liquor Licence Act, 1975, Ministry of Consumer and Commercial Relations."

The Auditor has, in fact, pointed out the issue in the second paragraph. I might read it to you: "Section 2(9) of the Liquor Licence Act, 1975, provides that 'the expenditures of the board shall, until the first day of April, 1976, be paid out of the consolidated revenue fund.' The 1975-76 expenditure of the Liquor Licence Board was therefore, authorized by statute. The Act, however, makes no reference to the expenditure of the Liquor Licence Appeal Tribunal. As a result, there was no apparent authority for the expenditure of the tribunal for the period ended March 31, 1976. This matter was brought to the attention of the Deputy Minister of Consumer and Commercial Relations. On July 7, 1976 he responded as follows," et cetera.

[12:30]

Of the two areas on which I would like answers, one is how, in fact, did your internal audit miss this? It looks, to somebody who had absolutely no involvement in the problem, like something that should have been picked up fairly easily in the internal audit; because in government we are very careful, before we go out and spend money we look for authority to spend it. It's a reasonably rare occurrence in government when a minister or an agency or a board spends money without legislative authority. It is not something that happens every day.

So that's one area I would like some comments about. How did you miss it internally?

The other area concerns the response of the then deputy minister; is that the same deputy minister as we have now?

Hon. Mr. Grossman: No.

Mr. Davison: Okay, the former deputy minister. What I can't understand is that after your ministry received the comments of the Provincial Auditor, instead of implementing the necessary change, you referred the matter to the legal staff of your ministry. I take it you got some kind of report and then referred it to the legislative counsel of the Assembly for his comments and explanation and understanding.

I was concerned about that and I raised it with the Auditor, because I know the Auditor, on most occasions when there could possibly be any doubt whatsoever as to a recommendation he might make, he always checks with the Attorney General and receives his opinion. I asked the Auditor only last week, or the week before, if he had checked with the Attorney General in regard to this opinion and he said no.

I said, "Well why not? Obviously the ministry thought there was some question as to whether or not you were right, because they went through the process of checking with their legal staff and their legislative counsel. Why didn't you check with the Attorney General?"

Quite frankly the Auditor, in the very plain and simple way that only the Auditor can put it, said, "Well it was as plain as what was written on the paper. There was obviously no need for a legal opinion." I wonder, Mr. Minister, if you could respond on how your internal audit missed this problem; and secondly, why we had to go through the process, I am not sure how complex or how long, of getting these opinions from your legal staff and the legislative counsel?

Hon. Mr. Grossman: With regard to whether there is or is not a legal question or a legal problem, I am simply informed that initially the funds in the estimates for that year were lumped together under the Liquor Licence Board. That caused somewhat of a legal problem in terms of the authority to then transfer it into the Liquor Licence Appeal Tribunal; that's a source of legal problems.

In point of fact, it's going to be sorted out whether it's in the Attorney General's office or not. As the member knows, it is not a question of a misappropriation. It's simply a matter of proper legal authority for what was done, and for which obviously there would have been no problem getting legal authority at the time.

I would think the key question is how was it missed initially. The answer is, as happens occasionally but really very rarely, it was missed. I think you will appreciate that with the number of branches my ministry has we are doing a heck of a good job if the only thing we have missed is something two years ago with regard to a new board that had legal problems being set up. Of course the Auditor has not had the slightest comment since that time in regard to any of the auditing procedures carried on by the ministry. I mean it was just simply missed. We are sorry. It shouldn't happen, but the record is pretty good; and it will not happen again.

Mr. Davison: What you are saying then, is that the involvement of the ministry's legal staff was to see if there was some way in which the money could be transferred from the licence board to the tribunal? Is it correct that they were looking into the legal problems involved in transferring from the global budget into a specific account?

Hon. Mr. Grossman: Yes, I think it's that simple. There was no authority at that time under the Liquor Licence Act to transfer funds to the Liquor Licence Appeal Tribunal. You recall there were no appointments to the tribunal until April, 1976. That's a legal problem, that's all I can tell you at this time.

Mr. Davison: My interest in the matter simply arose, I guess, because of the second paragraph of the letter from the deputy minister to the Provincial Auditor, in which he said, "After examination of the legislation, they concluded"—that's your ministry—"that the position you have taken, that there is no apparent authority for the expenditure of \$20,170 for the tribunal for the period ended March 31, 1976, is correct."

I suspect I have really misinterpreted the meaning there. It wasn't in fact a question of your ministry people looking at the Auditor's opinion to see if the Auditor was correct, but rather looking at the overall situation to see how the problem could be solved. I take it I now understand it properly.

Hon. Mr. Grossman: Oh yes; we weren't really in a debate so much as doing a constructive analysis of what happened and how to do it properly.

Mr. Davison: I think that clears it up, Mr. Chairman; thank you.

Mr. Reid: I have just a couple of matters I'd like to raise in this first vote, more or less—

Hon. Mr. Grossman: Generally?

Mr. Reid: Generally, yes.

Hon. Mr. Grossman: I knew it wasn't on audit services.

Mr. Reid: The first, Mr. Chairman, is—

Mr. Deputy Chairman: I might tell the hon. member we are dealing with audit services of the ministry, which is item 7, vote 1401.

Mr. Reid: I'm sorry, I thought we were still on the first vote.

Mr. Deputy Chairman: Anything further on item 7? Item 7 agreed to.

Mr. Reid: Mr. Chairman, can I make some general comments here?

Mr. Deputy Chairman: Well, if you can fit your general comments in as we go through the balance of these estimates, I am sure you will be able to find comments for each particular vote as it arises.

Vote 1401 agreed to.

On vote 1402, commercial standards program; item 1, securities:

Mr. Reid: I presume this is the Securities Commission we are dealing with?

Hon. Mr. Grossman: Yes.

Mr. Reid: One of the general comments I wanted to make is in this area. This matter was raised earlier, within the last two or three weeks. It concerns correspondence that has been received by members of the House on all sides concerning charges that have been made against a member of the Ontario Securities Commission and certain allegations therein referring to the effect decisions of the Ontario Securities Commission have had on the mining industry in the province of Ontario.

In response to a question from my colleague from Kitchener, your reply was that you carefully monitored all the correspondence, that you had taken into consideration more or less where it had come from, and no further action on the part of the ministry was required.

I find it somewhat strange, in view of the charges and allegations made, that should be the minister's simple response. I am concerned about the state of the mining industry in the province of Ontario. I have spoken in this House on a number of occasions concerning the effect it has had on the junior mining development, and exploration which of course is a part of that development in Ontario.

The allegations have been quite specific in the letters, and the bottom line of those letters as well has been that this has destroyed the junior mining industry in the province of Ontario. I'd like to set aside, if I may, the allegations about a specific member of the Ontario Securities Commission, and ask if the minister, either by himself or

in conjunction with the Minister of Natural Resources (Mr. F. S. Miller) and the Minister of Northern Affairs (Mr. Bernier), can give us any information today as to the effect that ruling—I forget what the number is now—in regard to the financing of junior mining exploration in the province has had on that industry.

I realize we're in somewhat tough economic times. I realize the market demand for minerals is generally down. It seems to me those regulations, that came out some two and a half or three years ago, have had a depressing effect on exploration and on the development of junior mines in the province of Ontario.

I don't say that lightly, because I come from an area that is heavily dependent on the mining industry and heavily dependent on the financial benefits accruing from exploration in our part of the country. I wonder if the minister can indicate if he has done any research, or if other ministries related to this have done any research, that can give us some facts and figures as to the effects of the operations of the Ontario Securities Commission and the passing of that regulation in regard to the financing of junior mines in the province of Ontario.

Hon. Mr. Grossman: Policy 3-02 is the one in question. The policy, as the member knows, was adopted by the commission in April, 1976. It has been reviewed from time to time and a number of recommendations have been made by my colleague, the Minister of Natural Resources.

Following discussion of some of his recommendations with the Prospectors and Developers Association, the commission did adopt some amendments to the policy, together with explanatory notes as to the policy's true intent. This process continues at all times. The commission attempts to ensure a fair shake for all participants in junior exploration financing and a fair shake for the investors, prospectors, promoters and underwriters.

This policy is not only under continuous review by my staff, but we do so in co-operation with the industry and industry associations. I must say that the policy of the Ontario Securities Commission does not and has not attempted to favour mines per se, or industrial companies per se, or finance companies per se. The commission, by virtue of its very presence and mandate, is there to provide investor protection. The trick is not to provide small investor protection in such a fashion that you have killed off an industry.

I think the member would agree with me and I'm not an expert in problems of mining, northern mines and junior mines specifically—that there are matters other than the current policies of the Ontario Securities Commission, which are affecting the situation with regard to the development of junior mines. We believe the rules in place are those necessary to protect small investors and that they aren't inhibiting any good, legitimate or true investment that would otherwise take place.

I'm also told there is a special junior mining study going on at the Ministry of Natural Resources and the University of Toronto. It was commissioned by the Minister of Natural Resources to report early in 1978, which will give us, I suppose, some more information on the subject. If the results of that study indicated that any particular policy was having an inappropriate inhibiting role with regard to that development of northern junior mines, then we would look at that specific policy again.

I'm not saying we drop it, because we do have to protect the small investor, but we will certainly specifically look at any rule or regulation or policy that is in effect and is felt to have had an inhibiting effect.

[12:45]

Mr. Reid: I appreciate what the minister has said. I was not aware of the study in conjunction with the University of Toronto, I presume that will be made a public document when it is available.

Hon. Mr. Grossman: As always, yes.

Mr. Reid: Perhaps you can enlighten me, or your officials can enlighten me, as to what changes were made in that particular policy.

For instance, I have a constituent who has written the Ontario Securities Commission on a number of occasions asking to be provided with a list of underwriters who would handle underwriting for the issuance of shares to the public. That list, unless I am misinformed, was never forthcoming.

(A couple of people were contacted in the city of Toronto. One of the problems, one of the end results of your policy it seems, is that it has made it impossible, according to the brokers who otherwise might handle the underwriting, to make any kind of decent profit on the underwriting, therefore they are not willing to handle it; which leaves a small prospector or developer out there, with an investment of sometimes up to \$100,000, in a position where he finds it extremely difficult to get the necessary financing to proceed with further exploration or do some development on his own.

One of the aspects of that policy that I found particularly offensive was the fact that there would be someone sitting in the Ontario Securities Commission, in his nice, warm, little office, passing judgement on whether or not there was feasibility of a mine being developed, say north of Atikokan or in the Sioux Lookout area, or around Ignace. This OSC official in Toronto would be passing judgement on the geological reports that would be provided from the field by the person or company that wished to develop the mine. I wonder: Is that aspect still in place? Can you just give me a yes or no on that?

Hon. Mr. Grossman: I am informed that there has been a change made and that isn't the policy any more. The fact is those matters are now referred to an independent committee, headed up by a member of the Prospectors and Developers Association, together with some people from the professional engineers association and the Ministry of Natural Resources. That is, an independent review goes on to determine the last matter you spoke of. It is no longer handled in the office of the Ontario Securities Commission.

This was a policy designed to provide an independent and well-educated assessment of the matter you have referred to. We feel that this policy, which was designed first to protect the prospector from the broker-dealer, second to make it possible for money to be provided for a company and third to give all broker-dealers, promoters and prospectors a fair profit, is working fairly successfully. It has been moved out to independent people who know the industry or are interested in the industry.

If the member has any comments on how this new approach is working, we would be happy to hear them. I might add you can be assured neither predecessors in the Ontario Securities Commission nor the incumbent work in any gilt-edged offices.

Mr. Reid: Gold-plated. I just have two short questions. I wonder if the minister could provide me with the changes or amendments that were made to that policy so that we could save some time here. The second thing is: could you check with your officials at the table to see if there is a list of brokers or stock market people who handle the requests or requirements of people who wish to raise financing for exploration and development?

Do they have such lists? Do they exist? Do they have concrete evidence that these people are working with the prospectors and

developers in the field? If so, could I have such a list and the names and addresses of those companies that are prepared to assist in financing?

Hon. Mr. Grossman: Happily, yes; there is such a list and you can have it. If you will bear with me as I read through some handwriting which will give you the details of the policy changes, we'll both have them.

First, escrow shares were abandoned in favour of a special class of shares for the promoter, to protect his interest; second, prospectors can negotiate their own deals for cash and for shares and for royalties; third, broker-dealers are prohibited from wearing more than one hat.

I am sure that will elucidate and enlighten the whole picture.

Mr. Reid: I wonder if I could ask one further question, Mr. Chairman, with your indulgence. I can appreciate what was going on and why the Ontario Securities Commission felt it had to bring in this regulation. I have had some dealings myself, I used to be in the penny stock market myself; but then when you brought in Wintario the payoff seemed to be a little better.

There was a book published a few years ago—I'm sure your officials have probably got gilt-edged copies—called Mining Promotion in Canada, about the boiler rooms and all the rest of it.

Interestingly enough, lawyers and doctors seemed to be the biggest suckers for this kind of thing, and it seemed to me that was only a fair sharing of the wealth, actually; perhaps there was some kind of justice in that respect. I am not of course, against protecting the public in this regard, but I do feel the commission maybe went a little further than it should have.

My question is this: Do those regulations come to you? Are they discussed—in this particular case—with the Minister of Natural Resources to see what effect the passage of such regulations is going to have on the industry? I am not talking just about the mining industry in this case but the economy generally.

Hon. Mr. Grossman: The discretion, I am informed, is within the commission. Therefore, while I am informed of these policy changes and so on, they are referred to me and I see them, the discretion does lie within the commission. No, they are not referred for input to the Minister of Natural Resources.

Mr. Reid: I must follow this up, Mr. Chairman.

In that case it seems to me we have to work out a much better mechanism for estab-

lishment of these regulations and requirements. I may not go as far in my criticism as the miners or the Prospectors and Developers Association, but it is a little frightening when civil servants can pass regulations that can have the impact on an industry that this particular regulation had. As I say, I appreciate the international situation as well, but it seems to me, that you have a responsibility, as minister, to have control over what the Ontario Securities Commission is doing, so that their regulations and rulings are not going to damage any part of the economy. These matters should be reviewed with you so that you can get input from the industries directly associated with these regulations. Then if there is any problem the responsibility lies where it should—with you as minister and with the government as a whole—and we don't have somebody isolated from the more practical aspects—if I may put it that way, no disrespect intended of course—of these regulations on the industry, whether it be mining, industrial or otherwise.

Hon. Mr. Grossman: I should make it clear that when the proposed policy changes are handed to me I am not in a position to take them to my cabinet colleagues to get some input and go back; but the Ministry of Natural Resources does have substantial input along the way in terms of access to development of the policy.

For example, policy 3-02, I am informed, was developed after two weeks of public hearings, six months of discussions with Prospectors and Developers Association, the Ministry of Natural Resources—

Mr. Reid: And all disagreed with the policy.

Hon. Mr. Davis: They didn't agree among themselves.

Hon. Mr. Grossman: —and the Association of Professional Engineers of Ontario. So the Ministry of Natural Resources had much input at an early stage. The drafts which came out of that series of hearings were then taken back to those same people, including Natural Resources.

Let's we have a misunderstanding with regard to just where government policy would fit in, the obvious reason the drafts and the policies are shown to me before they come out is so that if there is something there which obviously contradicts government policy, or that causes me to raise my eyebrows a little bit, I may well call my colleague, call the Ontario Securities Com-

mission, and express my concern to make sure that they are aware of all of these matters. Ultimately, it's up to the commission to reconcile it, but our policy role and the government's presence in the development of all of those things is very much there.

Mr. Deputy Chairman: Just one short question here. We are approaching the hour.

Mr. Davison: I'm concerned with the involvement of Inco with the commission. Perhaps I'll wait until Monday.

On motion by Hon. Mr. Grossman the committee of supply reported progress and asked for leave to sit again.

On motion by Hon. Mr. MacBeth, the House adjourned at 1 p.m.

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Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Davison, M. (Hamilton Centre NDP)
di Santo, O. (Downsview NDP)
Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
Eakins, J. (Victoria-Haliburton L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
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Grossman, Hon. L.; Minister of Consumer and Commercial Relations
(St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kerrio, V. (Niagara Falls L)
Laughren, F. (Nickel Belt NDP)
Lewis, S. (Scarborough West NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
Mackenzie, R. (Hamilton East NDP)
McClellan, R. (Bellwoods NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
(Chatham-Kent PC)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Philip, E. (Etobicoke NDP)
Pope, A. (Cochrane South PC)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rotenberg, D. (Wilson Heights PC)
Ruston, R. F. (Essex North L)
Sargent, E. (Grey-Bruce L)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Sterling, N. W. (Carleton-Grenville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)
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Ziemba, E. (High Park-Swansea NDP)



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Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 5, 1977

The House met at 2 p.m.

Prayers.

STATEMENT BY THE MINISTRY

PIPE PRODUCTION

Hon. Mr. Bennett: Mr. Speaker, I would like to review the present position of Ontario as it relates to the possible supply of pipe and supplies for the new gas line from Alaska and ultimately from Prudhoe Bay. The proposal submitted by Foothills Gas Pipeline Limited is one that has been accepted by Canada and the US and the terms and conditions are still being negotiated at the present time. As part of its original proposal, Foothills Gas Pipeline company suggested the use of a 48-inch diameter pipe with a wall thickness of 0.54 inch. Apparently, from their point of view, this size and type of pipe was preferred as it appears to present the fewest number of problems in installation. Pipe manufacturers in Canada, including Stelco, have the capacity and technology to supply this type of pipe.

As negotiations proceed between the US and Canada, the question has now been raised as to whether this size and pressure will have sufficient capacity to take care of the ultimate needs of the market. At present, two possible solutions are being discussed.

The first is to maintain the 48-inch diameter and increase the pressure, while the second is to increase the diameter to 54 inches and maintain the low pressure. The wall thickness of the steel for the high-pressure 48-inch pipe would have to be increased to three-quarter inch while the 54-inch low-pressure pipe will continue to use half-inch thick steel.

In Canada, Stelco has worked for some years on the metallurgical and rolling requirements of the steel plate needed for the three-quarter inch thick wall pipe and has developed this capability.

The second proposal, that of the 54-inch diameter low-pressure pipe, will evidently create no problems for Canadian manufacturers. Apparently Foothills Gas Pipeline would prefer this alternative if some change is to be made from its original plans to use low-pressure 48-inch pipe, since the problems of installation would not radically change.

At this point, let me outline the position of Stelco in this matter. I quote from the statement given to me by Mr. J. D. Allen, president of Stelco:

"Stelco is capable of producing pipe that will meet all of the specifications that are currently being explored for the proposed Alaska Highway pipeline. The company's Stelform pipe mill in Welland is one of the most modern facilities of its type in the world and is capable of providing pipe in diameters ranging from 36 inches to 60 inches and with wall thickness of up to 1.125 inches.

"The three types of pipe currently being considered for the Alaska Highway line are: 48-inch, 0.54-inch thickness; 48-inch, 0.72-inch thickness; and 54-inch, 0.54-inch thickness. Stelco is therefore in a position to follow through on its offer to Foothills of 1.1 million tons of pipe over a three-year period for the projected line, irrespective of which of these three sizes is finally chosen. In addition, the company also has additional pipemaking facilities in Welland and in Camrose, Alberta, to permit it to supply pipe for the feeder and ancillary lines to the main pipeline."

The whole matter of pipe specifications is now the subject of active negotiation between the US and Canada. It is my understanding from the Hon. Mr. Horner that the final Canadian decision rests with the National Energy Board. At the same time, senior officials of Foothills Gas Pipeline Limited have stated that the bulk of the procurement of supplies and equipment will come from Canadian sources, provided they are competitive and are capable of meeting the supply requirements.

Mr. Horner has assured me that the full interest of Ontario and Canadian manufacturers of the pipe and other supplies will be recognized. Because of past performance and participation as suppliers to gas pipeline construction projects in Canada, I would expect these companies will obtain their fair share of this market.

This project and other major contracts have been monitored by the committee within Mr. Horner's department known as the Industrial Benefits Committee for Natural Re-

source Developments, on which our province and my ministry has direct representation.

It is in the interest of all concerned that a decision on the final pipe specifications be made as soon as possible so that construction can get under way by its original target date of 1979 and have a direct relation to the economy at this time.

I hope the review that I have made clears up some of the misunderstandings.

Mr. Lewis: It doesn't, really. That did not answer the question at all.

Mr. Nixon: It makes a nice statement to send out to anybody who might be critical.

Mr. Makarchuk: Are you going to check to see who is going to build the compressors?

ORAL QUESTIONS

URANIUM PRICES

Mr. S. Smith: I'll ask a question of the Minister of Energy. Is the minister now familiar with the evidence regarding uranium prices that was discussed in the hearings in the United States which make it very clear that Ontario Hydro was in fact a victim of this cartel arrangement? Can he now answer the question which I put to him some time ago, as to how much above world cartel price Hydro had to pay in order to obtain that uranium from Gulf Minerals, and what the impact has been in terms of the additional cost to be borne by energy consumers?

Hon. J. A. Taylor: I can give the Leader of the Opposition precisely the same information as I tried to give him some time ago in connection with the uranium pricing.

Mr. Nixon: Yes. That is you don't know.

Mr. Peterson: Just answer the question.

Hon. J. A. Taylor: But the member creates some mythology and then starts to attack it and create another public impression. What he read in the newspapers was some documentation that apparently was given in evidence in regard to a lawsuit—I believe in Santa Fe, New Mexico—and I don't accept a newspaper report on a particular piece of evidence as the be-all and end-all in connection with whether or not there was a cartel and the impact, if there was any, on uranium prices that Ontario Hydro had to pay.

Mr. McEwen: Let's hear it from you.

Hon. J. A. Taylor: The Gulf Minerals contract—and Gulf was mentioned—was tabled by me in this House. It's there. I would hope the Leader of the Opposition

has taken that contract and has given it the study and the examination that he should. If he has, he will see that the delivery dates are for 1980. He will also see that the price under that contract, when delivered, will probably be about one-half of the going world price for uranium.

Mr. Breithaupt: By then?

Hon. J. A. Taylor: So the best information I have about the impact of a cartel on Hydro-buying is that the world forces, the world market price, overtook any cartel price, so that was what was manifested in terms of the dealings with Ontario Hydro.

Mr. S. Smith: Supplementary: Accepting the fact that uranium prices by now are beyond the control of the cartel—but in 1974 the story was different—can the minister confirm whether or not he has discussed with Hydro the evidence that was presented in Santa Fe, New Mexico, which said that when Canadian producers learned that other cartel participants had temporarily dropped out of the market, the Canadians jacked up the price by almost 50 per cent above levels set by the cartel, and that Ontario Hydro was the second organization in line to buy uranium under the higher pricing structure?

Normally, Mr. Speaker, I would certainly not believe anything said by a Conservative critic in Ottawa, but in this instance I think Mr. Sinclair Stevens has some credibility.

Hon. Mr. Davis: Is that a question or a statement?

Mr. S. Smith: The question was did the minister discuss with Hydro that particular matter?

Hon. J. A. Taylor: I'm sure Mr. Stevens would like support for his position regardless from whence it may come, and that's fine if the member wants to join that particular position. But the fact remains—

An hon. member: Stevens was wrong.

Hon. J. A. Taylor: —that in terms of the evidence he cannot, surely, accept the evidence of one party without accepting the evidence from the other party when he's going to adjudicate on a matter. What the Leader of the Opposition did, was to take a newspaper report of a particular piece of evidence, some documentation, and adopted that as the factual situation. I'm not prepared to do that.

Furthermore, as to whether or not I discussed this with Hydro, I can assure the Leader of the Opposition that I've been very mindful of the price of uranium for—

Mr. Peterson: The question is, did they speak to you?

Hon. J. A. Taylor: —a number of reasons, unrelated, I may say, to the Gulf Mineral contract. Before that issue broke in this country I was pursuing the question of the cartel price and the impact that might have on pricing of uranium in Canada. Those discussions have involved, of course, the fuel purchasing people in Ontario Hydro, as well as other persons knowledgeable in the area.

CONFIDENTIALITY OF HEALTH RECORDS

Mr. S. Smith: I'll ask a question of the Minister of Health, Mr. Speaker. Can the Minister of Health inform the House regarding the use of search and seize warrants by police forces to obtain entire medical and hospital files from public hospitals or provincial hospitals within the province of Ontario? Is he familiar with the existence of this practice and can he tell us how frequently this practice has been carried on since, let us say, 1970, and what the circumstances were?

Hon. Mr. Timbrell: That would require some considerable background investigation by my staff but if the hon. member wants it, I'll see that it's done. That's an extensive period of time, of course, and we are dealing with many, many thousands of records in the approximately 250 public hospitals in the province.

Mr. S. Smith: By way of supplementary, can the minister inform the public of Ontario through this Legislature as to whether he is, first of all, familiar with the process whereby a police force can come and take any medical record it pleases out of a public hospital? Can he give us even some rough indication of whether he knows of incidents where this has occurred and whether he can tell us the kinds of documentation which they have been forced to provide the justices of the peace when obtaining such search and seize warrants? How specific does the information have to be?

Hon. Mr. Timbrell: There are many instances where this can and does happen, where there are search warrants granted to a police force to go into a hospital—or to OHIP, for that matter. If the hon. member can be more specific, I can give him some case histories. Would he be interested in that? I could give him some indication of what's been going on. This is certainly an area that Mr. Justice Krever will be looking at as part of his overall review of the confidentiality of such records.

Mr. S. Smith: By way of final supplementary, Mr. Speaker, the concern has to be that there be sufficiently specific demands made for information so as not in any way to invade confidentiality in an unwarranted manner. I am asking the minister whether he can give us some idea of the frequency of the occurrence and some idea of the specific nature of the information given to the justices of the peace when issuing these warrants. If he will seek to get this information for us I will await his answer at a future date.

Hon. Mr. Timbrell: Yes, but again if the member wants me to go back to 1970 it may take some time to pull it all together. But I will be glad to do that.

Mr. Lewis: If I may have one supplementary on that, Mr. Speaker. So far as the minister is aware, have warrants issued for the purpose of requisitioning such records, as I guess the legislation clearly allows, always been in pursuit of criminal proceedings? Or has there been any other reason adduced for the record?

Hon. Mr. Timbrell: Offhand, I am not sure, Mr. Speaker. A court order is a court order and once it is produced the administration don't question it—once it is a duly executed document and it is turned over.

Mr. Deans: May I ask a supplementary, related to the question that was asked by the Leader of the Opposition? Am I to understand that the information that I sought some two weeks ago and asked again about last week will not be produced because of the inquiry that has now been ordered? Will that information somehow be funnelled through the inquiry?

Hon. Mr. Timbrell: No. The answer to the member's question is being prepared. It has taken some time, of course, because he referred to two specific years and we are having to review all the files for those years. I would hope to get the answer to him as soon as possible, but my staff have said it will take several weeks to do it properly.

Mr. Deans: Several weeks?

Mr. Lewis: How can it take that long? Only those files which were seized were talked about—only those files that were removed. Sorry, Mr. Speaker.

LAYOFF OF NICKEL WORKERS

Mr. Lewis: A question of the Premier: Two or three weeks ago I asked him about whether he might approach Falconbridge over new rumours that appear to be rife in the Sudbury basin about yet another layoff prospect. Did

the Premier speak with the company? Can he report to the House?

Hon. Mr. Davis: Mr. Speaker, there is some information being prepared. I doubt I can have it here for this question period, but I will have it for the hon. member tomorrow.

Mr. Lewis: May I ask the Premier if he knew that Falconbridge had called in the union executive to meet with them on Thursday of this week and that there is exceeding anxiety about that particular meeting? Is it possible for the Premier to be able to tell us whether this is a meeting of reassurance or a meeting regarding a further layoff? Has the company checked with the government?

Hon. Mr. Davis: Mr. Speaker, I would prefer not to speculate on what the meeting may be about on Thursday. I will give the hon. member as much of the information that is available to me as I can, and I will endeavour to do that tomorrow.

Mr. Lewis: I will leave it for the moment.

RADIATION LEVELS

Mr. Lewis: Mr. Speaker, may I come to the Minister of Labour? I take it because she is here she is in sufficient voice to answer questions.

May I ask the minister about this amazing piece of scientific data from the United States—I asked the Minister of the Environment (Mr. Kerr) about it last week—indicating that at one-tenth the level of acceptable, so-called, threshold radiation to which workers in Canada and the United States are subject, a major study would appear to show a very significant increase in the number of cancer deaths due to low-level radiation? Is it likely that we can then change, for purposes of incorporation, the level permitted in our new occupational health bill?

Hon. B. Stephenson: Mr. Speaker, I would have to respond to the question by stating at the present time I do not have a copy of the study. It is, to my knowledge, not available generally because we have been attempting to get a copy of it. The newspaper report about the study stated specifically that two of the researchers who were involved were concerned that perhaps the report of the study was being suppressed and that it was difficult to get the information contained therein.

They did indeed express their concern that at levels—and I don't recall the actual figures that were stated—considerably lower than those we usually construe to be reasonably normal levels of radiation for workers and for other individuals, there was an increase

in the development of metaplastic disease. We are attempting right now to get the total study so we can examine it as carefully as it needs to be examined to do precisely the kinds of things which the hon. leader of the third party is suggesting.

Mr. Lewis: Supplementary: Perhaps the minister could keep us informed about getting the study. The study alleges that up to 40 per cent of the 670 deaths found from cancer were induced by low-level radiation at one-tenth of the levels we permit. Is it possible for members of the ministry staff to go directly down to see Dr. Thomas Mancuso in Pittsburgh and to review the evidence there with him, since this has tremendous implications for Eldorado, for nuclear plants and for any refining facility anywhere in the province of Ontario?

Hon. B. Stephenson: I would have to say again it is my understanding that at least two of the authors of the study allege this is so. I do not know whether the study does. That is precisely why we are trying to get the documentation in order to examine it carefully and to study its implications so that we can make the proper approaches.

Mr. Lewis: Can I ask the minister for a report to the House?

Hon. B. Stephenson: Yes.

FORD LAYOFFS

Hon. B. Stephenson: Mr. Speaker, there were two questions asked of the Premier on Friday in my absence related to the layoffs at the Ford plant, one by the hon. Leader of the Opposition and the second by the hon. member for Hamilton East (Mr. Mackenzie). I have some information which has been collected directly from those responsible within the Ford plant, which I think does answer the questions which were put. The Leader of the Opposition asked whether the company had been in compliance with the Employment Standards Act, whether proper notice had been given and whether it was for reasons of production problems rather than lack of demand that the layoffs were requested.

It is my understanding that in the earlier part of 1977 the officials of Ford decided the maximum potential output of their assembly plant at Oakville could be increased rather dramatically if they were to produce two lines of vehicles on the same production line. So they began a program of producing both automobiles and Econoline vans.

It was projected at the time they drew up the proposal that they could be producing something in the order of 53 vehicles per

hour. They began that process after hiring an extra 625 staff members at the end of July 1977. They discovered, as a result of problems on that production line, that actually their capacity was somewhat less than 53, and that what they could produce was about 48 units per hour. As a result of that change in the capacity of output there are approximately 300 workers who are at the present time superfluous in the production.

I am informed that there is no reduction in the market demand for the vehicles; that the layoff was caused specifically by the facility limitation rather than anything else, that 325 employees hired in July are still being employed and that the company requires all of the vehicles which can be produced during the overtime which has been worked.

I am informed there are two 10-hour shifts at the Ford plant. Apparently, that line is not the kind which can be run on a 24-hour basis and, therefore, it is necessary to have 10-hour shifts, and that the staff are on the line working an average of 48 hours per week. Overtime work is done with the agreement of the members of the staff or the employees, not against their will at all, but under the terms of the agreement which the company has with the UAW. I am further informed there are no staff employees in either repair, maintenance or on the line who have been working as much as 60 hours a week.

Mr. Deans: Would the minister discuss the matter further with employees' representatives to determine whether or not the last statement she made about the concurrence of the union and the employees and the working of the 48-hour week is correct, given that the contract, as I understand it, says quite clearly that workers cannot be required to work in excess of 40 hours while others are on permanent or long-term layoff?

Hon. B. Stephenson: Mr. Speaker, I should be happy to do that. There is one important detail which I neglected to mention and that is the answer to the question posed by the hon. Leader of the Opposition about whether the Employment Standards Act has been complied with. It was complied with, totally, Mr. Speaker.

As I said, all of these individuals are of fewer than six months' experience with the company and the company did comply totally with the Employment Standards Act.

In answer to the question posed by the hon. member for Wentworth, I shall be pleased to talk to the leadership of the union. But I am informed that, indeed, the overtime that has been worked was a result of the agreement between the employees and the

management. I am not aware of that specific clause within that contract. But I shall check.

Mr. S. Smith: Supplementary with regard to the notice: Could the minister perhaps correct me on this. Is it not necessary, Mr. Speaker, for notice required to terminate the employment of 50 or more employees in any period of four weeks or less to be given according to certain regulations? And is the regulation not that a person employed for less than three months shall not be entitled to notice under subsection 2 of section 40? This is regulation 251 of the Employment Standards Act.

Is it not a fact that it is only if you have been employed for three months or less that you don't have to have this appropriate notice?

Hon. B. Stephenson: Mr. Speaker, it depends as well on the total number of individuals employed within the plant and the percentage of those individuals to be laid off. And, as a matter of fact, the percentage of individuals to be laid off at the Ford plant is slightly less than six per cent of the total number of people employed, not 10 per cent.

Mr. Lewis: A very cute way of getting around the Act.

Mr. Speaker: A final supplementary.

Mr. Deans: Isn't it time we got to the heart of the problem? Isn't it time that the government came to grips with the difficulties of having certain employees working overtime while others are being laid off, and to set out a clear and definite policy in the province of Ontario during this period of high unemployment with plant closings occurring every day and layoffs happening everywhere in the province? There should not be overtime being worked while people are being laid off.

Hon. B. Stephenson: Mr. Speaker, that is most certainly an interesting suggestion which we have considered in various areas. But I am informed very clearly by those in charge of the production line at the Ford plant that it would not matter whether the employees were working overtime or not. They could not employ extra people because the facility is such that it precludes the hiring of extra people to produce those vehicles on that line. The capacity of the line is the problem and it was obviously a mistake in estimating the capability of that facility to employ that number of people.

Mr. Mackenzie: A final supplementary, Mr. Speaker: I am wondering if, in talking to the union members, the minister would ascertain how many of the total number of the 6,000 employees in the Ford Oakville plant are working the 48 hours and how many are working in excess of 48 hours?

Hon. B. Stephenson: Mr. Speaker, it is my understanding that the total employment at the Oakville assembly plant is approximately 4,000 employees, not 6,000 employees. And I will be very happy to try to find out the percentage working overtime.

FILES ON CRITICAL SOURCES

Mrs. Campbell: My question is to the Minister of Community and Social Services. In view of the fact that an unnamed newspaper reporter has discovered a one-inch-thick file kept on all media contacts with the Ministry of Community and Social Services, would the minister tell us if such a file is kept on all contacts with opposition parties and their staff and would he make it freely available to us as it was to the reporter by his acting director of information?

Hon. Mr. Norton: Mr. Speaker, if I heard the hon. member correctly, she said a one-inch-thick file. My impression is that it may be substantially thicker than that.

Mrs. Campbell: I thought it would be.

Hon. Mr. Norton: I am not sure whether this is a practice that is unique within my ministry or not.

Mr. Warner: Every ministry.

Mr. Lewis: I got their approval.

Hon. Mr. Norton: But it is a practice which was introduced some time ago, as I understand it, by the communications branch so they might be in a position to know when there were contacts from the media with the ministry which would require follow-up on their part. I would be happy to give the honourable member a copy of the form. I may even have one here with me today which I can send across to her. It indicates that there is a portion to be checked off so that the communications branch knows when further follow-up of information is requested by the contact person in the media. There is nothing subversive about the practice.

Mr. Lewis: Oh, yes there is.

Hon. Mr. Norton: One might well ask why a communications branch of a ministry would not ask for that kind of information so that it could be on top of the requests that are coming in and be prepared to provide the necessary follow-up. I think the impression that might have been created in the news story is really quite inaccurate in so far as it's suggested that there was any reason other than—

Mr. Conway: Is it another perversion of the truth?

Hon. Mr. Norton: Well, it is, but I won't use that expression.

Mr. Speaker: In the interest of saving time, the question was: Will you make them available?

Hon. Mr. Norton: Well, I think the hon. member asked if there were any files on opposition contacts and would I make those available. To my knowledge, there are none on opposition contacts.

Mr. Lewis: Well, why not? What's wrong with our people?

Mr. Reid: Are they not as important as reporters?

Hon. Mr. Norton: If it will make the hon. member more happy with the situation, I can ask the communications people in the ministry if they'd like to consider it.

Mrs. Campbell: Supplementary, Mr. Speaker—and this is not my supplementary question, but it strikes me as being rather strange that almost everything that the press reports about this ministry is in error. Couldn't the minister clean up that act?

Mr. Speaker: Is that your question?

Mrs. Campbell: No, I said it wasn't, Mr. Speaker.

Has the minister then not made a new mandate for his communications branch to prepare files on all information from possibly critical sources? If so, does this minister consider this requirement to be in accordance with the branch's purpose to "provide accurate, complete and helpful information on the services of the ministry," as cited in the minister's estimates briefing material?

Hon. Mr. Norton: If the hon. member is aware of situations in which the communications branch of my ministry has not been co-operative in providing her information—

Mrs. Campbell: Exactly.

Hon. Mr. Norton: I presume that's what she's referring to, in being critical of sources of information. I would like her to let me know, because certainly it's not common that we receive that criticism. I know we have received it from the hon. member before. If there's anything I can do to facilitate the flow of information to her, I'd be happy to do it.

I've forgotten what the first part of her supplementary was. I know I wanted to respond to it at the time, but I will take a look.

Mrs. Campbell: Mr. Speaker, I would like the opportunity of refreshing the minister's mind. I asked him if there was a new mandate from him to his communications branch to prepare files on all information from possibly critical sources, and if this does not, in

effect, breach the stated objectives of that branch?

Hon. Mr. Norton: Mr. Speaker, I don't think that requires any new mandate. As far as I am concerned, that is the mandate of my communications branch at the present time.

UNSAFE WORKING CONDITIONS

Mr. Deans: Mr. Speaker, I have a question for the Minister of Labour: Will the Minister of Labour review the circumstances surrounding the injury which occurred to a young man at Harleck Industries in Caledonia, in which he injured his hand rather severely and could well have lost it in an industrial accident, and review the whole incident in the light of a statement made by—

Mr. Speaker: There's far too much noise in the chamber. Will you keep your private conversations down please?

Mr. Deans: Thank you.

Would the minister review it, in the light of a statement made by Charles Peirson, who was on the Haldimand regional council, that the Ministry of Labour had been informed three years ago and had again been informed in February 1977 of the unsafe working conditions at that plant? It appears that even at the time of the accident there still had been unsafe working conditions in the plant and that young man may well be permanently disabled as a result of the Ministry of Labour not having enforced the labour standards properly.

Hon. B. Stephenson: Mr. Speaker, although I would find it very difficult to believe that if instructions or directions had been issued they had not been followed up by the ministry staff, I shall most certainly investigate it and report to this House.

LICENCE FEES

Mr. Wiseman: Mr. Speaker, I have a question of the Treasurer. Is the Treasurer or his staff giving serious consideration to treating eastern Ontario the same as northern Ontario regarding fees for car licence plates—

Mr. Breithaupt: I thought that was all done in caucus.

Mr. Wiseman: —in view of the fact that gasoline in eastern Ontario, and particularly in Lanark, is as high as any place I've travelled to in the north with the exception of Hearst?

Mr. Breithaupt: That is what the election was all about.

Mr. Riddell: Gasoline's cheaper in the north than it is in the south.

Mr. S. Smith: We need a Minister of Eastern Affairs.

Mr. Speaker: Will the members from southern Ontario please be quiet?

Hon. Mr. McKeough: I'm a little surprised the Speaker didn't rule this question out of order. But inasmuch as he didn't I would have to say to my friend who has asked whether we are giving this matter consideration that the answer is no.

Mr. Conway: That is the Tory way of thinking. Give eastern Ontario no consideration. You have nothing new today, Darcy.

Hon. Mr. McKeough: The decision of the government with respect to motor vehicle licence fees in the north was not taken simply in respect of gasoline prices—

Mr. Nixon: You were buying votes.

Hon. Mr. McKeough: The hon. member knows nothing about the north.

Mr. Nixon: But they didn't stay bought. Interjections.

Hon. Mr. McKeough: Do you know anything over there about northern Ontario? Do you know anything at all?

Mr. Speaker: Just ignore the interjections. The question was by the member for Lanark.

Mr. Eakins: Tell us about Parry Sound.

Mr. S. Smith: The Treasurer is from north Chatham.

Mr. Speaker: Order, please. The original question was by the member for Lanark and the minister is getting a supplementary from the hon. member for Renfrew South.

Mr. Yakabuski: Mr. Speaker, I have a supplementary: In view of the fact that the wage rates in the areas of Timmins, the Sudbury basin—and we're taking into consideration the layoffs too—are far, far higher than those paid in eastern Ontario—with the exception of some of the federal civil servants or, perhaps—

Mr. Nixon: They should build another Hydro dam in your back yard.

Mr. Speaker: What does that have to do with the original question? Would the member try to enlighten us, please?

Mr. Yakabuski: —the people who work for AECL in Deep River, the wage rates in eastern Ontario are below those of Timmins and Sudbury. In view of that, I think that the hon. Treasurer should give serious consideration to the request.

Mr. Speaker: That's not a question, that's an opinion.

Hon. Mr. McKeough: Mr. Speaker, you're quite correct. That was not a question, it was an opinion. But I detected at the end a bit of an uplift and the points made by both of my friends are good.

Mr. Nixon: There are just you and Lorne in western Ontario. Lorne is doing a better job than you are.

Hon. Mr. McKeough: You haven't got anybody from eastern Ontario either, have you? You really haven't. Of all the bankrupt parties you're it.

Interjections.

Hon. Mr. McKeough: Of all the bankrupt parties they take the cake right over there.

Interjections.

Mr. Breithaupt: How many are from the north?

Hon. Mr. McKeough: I'll tell you, there are a lot more from southwestern Ontario after the member for Hamilton West came into the campaign than there were before.

Mr. Speaker: Does the Treasurer have an answer?

Hon. Mr. McKeough: Yes, Mr. Speaker. The question was will I take this into consideration—

Mr. Reid: The answer is no.

Hon. Mr. McKeough: —and I certainly will.

Mr. Eakins: Mr. Speaker, I'm sure the people of Haliburton will appreciate any reconsideration from the Treasurer. I'm sure they are on par with Parry Sound.

Mr. Nixon: He will arrange to send out cheques before the next election.

OGOKI LODGE

Mr. Eakins: I have a question of the Minister of Culture and Recreation. In view of the ministry's continued funding of some \$80,000 to the Ogoki wilderness lodge and the minister's comments that he is generally pleased with the project—and we too would like to see it get underway—would he explain why a management study is being conducted into the project's operation and which firm has been hired to do it?

Hon. Mr. Welch: I am very glad the member asked that question. I have the answer here some place.

Mr. Conway: Did the minister bring the Minaki file by mistake?

Hon. Mr. Welch: The White Water Wilderness Lodge, which is the correct name of the development, is one whose background of

construction the Minister of Agriculture and Food (Mr. W. Newman) has explained. The Indian community secretariat has provided some funds to assist in the startup costs with respect to the operation and has retained, I think, Dunwoody and Company to do a management study for the very obvious reasons that we wanted some advice on the basis of their review as to how we could be helpful in assisting the native people in that location with respect to the assumption of management responsibilities there.

Mr. Kerrio: Is he an uncle to the director?

Mr. Eakins: Supplementary: Is the objective of the study to explore the project's contribution to tourism or is it confined to the business management of the lodge? Will the minister table the terms of reference?

Hon. Mr. Welch: It's the latter; it's the business of management. I will be very glad to take a look at the specific terms of reference we gave to the consulting firm and advise the member after I have reviewed them as to whether all of this information can be tabled at this time.

SHEPHERD BOATS LIMITED

Mr. Mackenzie: To the Minister of Labour: I am wondering if the Minister of Labour could tell us what kind of advance notice she's had of the unfortunate notice that went out this morning to employees of Shepherd Boats Limited in both Smithville and Niagara-on-the-Lake, where I understand the entire plant is being shut down and the entire force, including office and management, is being let go by February 5, and whether she has anything to report to the House on the situation in that plant.

Hon. B. Stephenson: We were informed by telephone this morning that those facilities would be closed by March 6, not February 5. That complies with the Employment Standards Act as 16 weeks' notice has been given.

Mr. Mackenzie: Supplementary: In fact, 80 per cent will be gone by February 5. There are a few staying until March 6. Inasmuch as the expertise is there and since this is another company recently taken over by Whittaker Corporation in the States, I am wondering whether or not the minister would be prepared to help or offer assistance to keep the operation going with the employees in that particular plant?

Hon. B. Stephenson: The Ministry of Labour has been involved in a number of situations in attempts to keep plants open by helping the Ministry of Industry and

Tourism search for alternative employers and other mechanisms which might be utilized. We would most certainly be interested in fulfilling that role.

NUCLEAR CONTROL BOARD

Mr. Reed: My question is for the Minister of Energy. Based on last week's statement by the minister calling for a meaningful consultation between federal and provincial governments concerning their respective roles in energy policy-making, is the minister now prepared to make a statement of government policy in this area, especially as it concerns the federally-proposed nuclear control board?

Mr. Bolan: He doesn't know that.

Hon. J. A. Taylor: I would have to ask the member for Halton-Burlington to really specify his concern.

Mr. Peterson: Take it as notice.

Hon. J. A. Taylor: I would be delighted to explain the concerns I have had as Minister of Energy in connection with the ongoing relationship with the federal government and our involvement in energy matters. I don't know that that's appropriate in terms of an answer to a question at this time. It would take some time. I would be delighted to discuss it. If the member could particularize the specific concern he has, then I would be delighted to answer that.

[2:45]

Mr. Reed: By way of supplementary: The question was simply is the minister now prepared, since he has called for meaningful consultation and knows that the areas of responsibility have certain grey aspects to them and need to be delineated—I believe that's what he means, that's the way I interpret what he has said—is he now prepared to formulate and make a public statement concerning what he considers to be provincial responsibility?

By way of explanation, one of the concerns, of course, is the whole nuclear question as it relates to the Environmental Assessment Act. We would like a statement as to whether the provincial government is going to put this totally in the hands of the federal government and simply negate the Environmental Assessment Act in Ontario; or does the minister consider it provincial jurisdiction and provincial responsibility?

Hon. J. A. Taylor: If the matter pertains to jurisdiction under the new nuclear control Act, which was introduced in the House of Commons last week I believe, I will be happy to make a statement on that. I have been in touch with Ottawa; our respective

staffs have been involved in terms of the contents of that particular piece of legislation and I have expressed some of my concerns to the federal minister.

There are many areas in which I think it is important to get involved in terms of co-operative or collaborative planning because of the mixed jurisdiction. As the member knows, in energy matters the basic resources are provincial. We tried to make this clear—and I think we did—at the federal-provincial energy ministers' conference last week.

I feel that there is, hopefully, a growing recognition that that impacts in many ways. The hon. member has mentioned the whole question of nuclear power and the expansion of that in terms of heavy water plants, which are basically chemical operations. One also gets into the whole field of management of nuclear fuel, whether it's storage, disposal or reprocessing. Those are all areas where I may say I have my views in connection with what our respective roles and responsibilities are.

If we get into programs such as the CHIP program on installation, as I indicated last week it is a matter of taking into consideration what provincial involvement should be, not only in terms of eligibility but in terms of administration of that program. As I mentioned last week, I think it should be adaptable in terms of varying geography within the different regions in Ontario.

Mr. Speaker: Perhaps the hon. minister could write the member a letter.

Hon. J. A. Taylor: There are a whole gamut of areas on which I would be happy to make public statements if members so wish.

Mr. S. Smith: I have a supplementary. It really takes a brave person—

Interjections.

Mr. S. Smith: It just happens to be a vital issue; unfortunately, it's vital. Can I ask the minister a question?

Mr. Speaker: If it draws a short answer.

Mr. S. Smith: Would the minister consider making a public statement simply saying that the nuclear control board, now proposed federally, ought to be a federal-provincial one? Does he not recognize that that board is going to hold hearings into each nuclear waste situation, and then the province will be in the position of either duplicating those hearings or simply abrogating an area of provincial responsibility to the feds? Why doesn't he demand that it be a federal-provincial nuclear control board?

Hon. J. A. Taylor: Again I would be happy to make public statements on these various

issues and direct an answer to the question.

Mr. Bolan: Demand it.

NATIVE RIGHTS

Mr. Wildman: In the absence of the Minister of Natural Resources (Mr. F. S. Miller), I would like to direct a question to the Provincial Secretary for Resources Development in his role with regard to native rights. I would ask him if he could report to the House on the results of the meeting between Natural Resources officials and the Union of Ontario Indians on Thursday last regarding hunting and fishing rights; the preparation of guidelines for native hunting rights and the administration of the federal Fisheries Act by the province?

Hon. Mr. Brunelle: Mr. Speaker, at that same time the staff of Natural Resources was meeting with the staff of Treaty No. 9; Mr. Rickard and some of the chiefs met with the Minister of Natural Resources and myself in my office. I did not attend the meeting of the staff; I'd be pleased to try to get a report and to get in touch with the hon. member.

Mr. Wildman: Supplementary: I'd just like to clarify that I'm discussing the Union of Ontario Indians rather than Treaty No. 9. I would appreciate it, if the minister is going to provide us with the information, if he could indicate whether or not the province has approached the federal government to try to bring about amendments to the federal Fisheries Act?

Hon. Mr. Brunelle: I would be pleased to include that.

BARRIE JAIL

Mr. G. Taylor: A question to the Minister of Correctional Services: In view of the fact that there was more than abnormal activity in the recreational period at the Barrie jail this past weekend, would the minister consider closing that jail now that it is in excess of 100 years of age?

Hon. Mr. Drea: No, Mr. Speaker. The Barrie jail, while it is old can be made to serve the area for a few more years. What the hon. member is talking about occurred last Wednesday night. For reasons best known to an inmate, a fire was started in number one corridor of the Barrie jail. Subsequently, because it couldn't be determined as to just which inmate had started the fire, cigarettes, matches and other inflammables were removed from everyone in that corridor until the pyromaniac could be detected.

On Thursday night, in a peculiar manner, the inmates of corridors two, three and four

served us with demands about corridor one. The "peculiar manner" was that they ripped out toilets, they ripped out basins, they destroyed television sets, they ripped out radio speakers and they smashed the windows.

Mr. Reid: They were trying to tell you something.

Hon. Mr. Drea: Mr. Speaker, one of the arguments that has been brought forward about the Barrie jail is that it is overcrowded. On the particular evening, it was overcrowded by just one person. I point out that the dormitory section and the female section were not involved in the damage, which was around \$10,000.

As a short-term relief to the Barrie jail—which incidentally not only has to serve Simcoe county but also holds prisoners from the upper end of Dufferin county, particularly the Collingwood area because it is easier for the police to transport people there than farther south—we are investigating the possibilities and the potential of a portable type of institution being developed in the United States—

Mr. Bolan: That's a chain gang.

Hon. Mr. Drea: —which can be erected in one of the exercise yards not now in use.

The Ministry of Government Services has been advised that we consider expansion—which, to be quite accurate about it, is the construction of a new jail for Simcoe county—to be the number one priority of the ministry. I'm sure that if my friend the hon. Minister of Government Services (Mr. McCague) can find the capital, that work will commence in the near future.

Mr. Breithaupt: I'm sure he can find it for Dufferin-Simcoe.

Hon. Mr. Drea: No, I closed his jail.

NURSING HOMES

Mr. McGuigan: My question is to the Minister of Health. Is the minister aware of, and is he investigating, allegations in the London Free Press this morning, in which it is alleged that certain elderly people are being cared for in an unlicensed home and that their friends and doctor have been denied visiting privileges? The address of this home is RR 2, Chatham.

Hon. Mr. Timbrell: Yes, Mr. Speaker, I'm aware of it. I understand that the police investigated and decided—if the reports I have had are accurate—that there are insufficient grounds to continue the investigation; but there is some additional information to come to me, and when I have that I'll report back.

SCHOOL CUTBACKS

Mr. Makarchuk: I have a question for the Minister of Education. Could the minister indicate what reply he is going to give to the residence counsellors of the W. Ross Macdonald School, who wrote to him stating that because of cutbacks certain programs have been eliminated, and also that a dangerous situation exists in that school?

Hon. Mr. Wells: I will be glad, Mr. Speaker, to give my friend a copy of the letter which I wrote to them. I believe I signed it a week or so ago.

Mr. Makarchuk: Supplementary, Mr. Speaker: Is the minister aware of the fact that at the recent fire drill that was held in the school the staff, because of the cutbacks, was unable to get the students out?

Hon. Mr. Wells: No, Mr. Speaker, I am not aware of that, and I would think that if it had been a serious problem it would have been drawn to my attention. I think it is quite fair to say that in the process of trimming our budget, as of course we are doing, and as we expect a lot of other people in this province to do in order to bring spending within the constraint limits that we have, there have to be some tough decisions made; but there will be no decisions made or actions taken that would jeopardize the safety, health or well-being of students in any of our schools.

Mr. Makarchuk: Supplementary: From the tone of the response, "There are none so blind as them that won't see." However, the staff have indicated to the minister—or the management of the school at least was aware of the fact—that during the drill they were unable to evacuate the school—and this was a practice drill—because of lack of staff. What I want to know is, what does the minister intend to do about it?

Hon. Mr. Wells: The first thing I intend to do, Mr. Speaker, is to verify the facts the hon. member has brought to my attention. Then I will make a report back to him.

BANCROFT RADIATION PROBLEM

Mr. O'Neil: Mr. Speaker, I have a question of the Minister of the Environment. I wonder if the minister could bring us up to date on the radon gas problem in the Bancroft area?

Hon. Mr. Kerr: Mr. Speaker, the situation in Bancroft is somewhat similar to Elliot Lake where there is radiation or a radon problem in some of the homes.

Mr. Martel: The Ministry of Housing gave them the go ahead to build.

Hon. Mr. Kerr: It also exists, I believe, in some new houses. We are meeting with Housing people, as well as the federal government which represents some of the mortgage people, with the idea of taking corrective measures in those homes to see if they are safe to stay in.

A form of ventilation can solve the problem, at least temporarily. There is a question of monitoring to see that the levels remain low, in the event that people stay in their homes. This is a study that is going on between my ministry and the Ministry of Housing, as well as our resource development committee so that some plan of action can be undertaken.

Mr. O'Neil: A supplementary, Mr. Speaker: I wonder if the minister could tell the Legislature whether building permits have been restricted or the issuing of building permits has been stopped in the village of Bancroft because of this study; and if so when they may be resumed?

Hon. Mr. Kerr: Yes, I understand building permits have been stopped in respect of new housing in that area where there are suspected high radon readings.

Mr. O'Neil: A final part to my question: Could the minister tell us when this study will be finished so that people will be able to obtain building permits if they are on safe land?

Hon. Mr. Kerr: I believe it will be sometime about the middle of January; there may be a hearing there.

NURSING HOMES

Mr. Warner: Mr. Speaker, I have a question of the Minister of Health. Does the minister believe that the residents of a nursing home should fight it out with the mice for occupancy, or that residents should suffer the indignity of lining up in an open corridor for examination by a podiatrist? When will the minister correct the above situations which exist at St. Raphael's Nursing Home in Scarborough?

Hon. Mr. Timbrell: Mr. Speaker, I have a four-page report on St. Raphael, which I asked for about 10 days ago when I first got word in my office that there was a problem. If the member would like I can read the entire report into the record; or I can send it to him as an indication—

An hon. member: Why doesn't the minister table it?

Hon. Mr. Timbrell: —of the action that has been taken. Inspectors have commented on a number of areas, about six in total. Corrective action is underway in a number of these

areas, including explanations of the problems with the podiatrist and with mice and so forth; that is already underway. I'll send it to the member.

[3:00]

Mr. Warner: Supplementary, Mr. Speaker: I would like to know, first of all, if that is an inspector's report; and if so will the minister table it? If the minister is ready to table it, then perhaps he will table the inspection reports which apply to other nursing homes which I and my colleagues have raised in the past. Further, how many more horror stories must I and my colleagues bring to the minister before he agrees to have a full inquiry into the nursing homes in Ontario?

Hon. Mr. Timbrell: As I told the member in estimates committee I will send, to any member concerned about any particular nursing home, copies of memoranda sent to me by the staff as a result of any inquiry. I will send the member a copy of this memorandum, which details the extent of the investigation and what has been done about it.

DAIRY HERD IMPROVEMENT

Mr. McKessock: I have a question of the Minister of Agriculture and Food. In view of the fact there are a lot of dairy farmers who still can't get on the dairy herd improvement plan—the reason being that the Minister of Agriculture and Food won't supply sufficient supervisors to run that plan—could the minister give me an estimate of the approximate time at which this program might be able to continue and take up the slack for those farmers who still can't get on the plan?

Hon. W. Newman: The dairy herd improvement program has worked extremely well in the province of Ontario. We discussed this in estimates. I don't know how many farmers the member has in his particular area who are not on the dairy herd improvement program and would like to be on it, but as he knows we have to have certain numbers of farmers on a program before we can put a field man into it.

We are expanding; we are taking on a few more than there were before, because of the constraints. If the member has any particular problem involving a small number of farmers—there may be one or two or three—then there's going to be a problem, but if he has around 30 farmers who want to come on the dairy herd improvement program he should let us know.

Mr. McKessock: Supplementary: I have about 30 who would like to get on. Is the

minister saying that if I present him with 30 names a supervisor will be made available?

Hon. W. Newman: I'm saying that if the member will send me a list of the 30, we will be glad to look into it and see what we can do to accommodate them.

APPRENTICESHIP PROGRAM

Mr. Bounsall: A question of the Minister of Colleges and Universities, Mr. Speaker: Since the rumours have been rather widespread for a few weeks now that power linemen will finally be certified in the province of Ontario, when might we expect that confirmation from the minister?

In that same connection, there has been the odd rumour—not as widespread as the fact that there will be certification—that the Ministry of Colleges and Universities will be taking over the Hydro training facilities to accommodate that certification; is this correct?

Hon. Mr. Parrott: May I confirm that we will be having a program of voluntary certification of linemen. There are a good number of details yet to be worked out on how that will occur. We will need, first of all, an advisory committee and I can tell the member today there will be 10 on that advisory committee; which only serves to illustrate my point that there are many details to work out. We will solicit, and hopefully receive very soon, nominees from various component parts of the industry for those positions.

Once we have all of the details in place, a regulation will be put through under our ministry and it will become operative. However, until those things are done, other than to confirm that it will occur I obviously can't give all of the details until they are in place.

Mr. Bounsall: Supplementary: To return to the second part of the question, is one of the considerations for this program that the Ministry of Colleges and Universities will take over and operate the heretofore Hydro-owned training facilities?

Hon. Mr. Parrott: Yes; I'm sorry I didn't answer that part of the question, Mr. Speaker. I would not like to use the words "take over." I think that is overstating the case, but there is no doubt that we will be working with their training school.

There will be some modifications; though I suspect not too many because we feel that much of what has gone on in that school is very valuable and we are not about to throw it all out.

There will be a new arrangement, if you will, with respect to funding; and that is part of the apprenticeship program, as the member knows, we have been supporting very heavily and consistently. So there will be new funding arrangements, yes; but to throw out all of the good parts of that program I think would be a mistake, we hope to work with them and improve it.

ACTIVITIES OF RCMP

Mr. S. Smith: A question of the Attorney General: I may just be a little bit suspicious by nature, but in the letter from the RCMP it says, "Finally, at no time has the force in Ontario sought or obtained medical files from OHIP, nor has it used such medical files for the purposes of blackmail or disruption."

Given that earlier in the paragraph they refer to "confidential OHIP records" rather than "medical files," and given that there is a distinction between enrolment files and claim files and various other things and medical files, can the Attorney General assure us that the RCMP has used no OHIP data whatsoever, or any kind—not just OHIP medical files, but no data of any kind for purposes of blackmail or disruption?

Hon. Mr. McMurtry: Mr. Speaker, that is the assurance I have been given by the RCMP.

Mr. S. Smith: Which one? What I just said or what you said?

Hon. Mr. McMurtry: What the member said.

Mr. S. Smith: No data of any kind?

Hon. Mr. McMurtry: That no data from OHIP has been used for any such purpose.

Mr. Speaker, while I am on my feet, I feel constrained to suggest that I was hoping I might be asked a question through which I could somehow incorporate the name "Stravinsky" in the answer. Those members who have read that very fine article in the *Globe and Mail* this morning by Mr. Mosher will note that the member for Lakeshore was commenting upon the fact he had never heard the name "Stravinsky" in the Legislature. I just thought I would rectify this regrettable situation.

Mr. Speaker: The time for oral questions has expired.

Mr. Lewis: Stravinsky fiddles while this place burns.

Hon. B. Stephenson: Stravinsky never fiddled.

MIX-UP ON PHOTOS

Mr. Peterson: It has come to my attention, Mr. Speaker, that CBC news on more than one occasion over the weekend had a news story about the hon. Minister of Health, and my picture was shown.

An hon. member: They were trying to dress it up a bit.

Hon. Mr. Grossman: Don't knock it; you will never come closer.

Mr. Peterson: I find this deplorable. In fairness, I do wish him luck and hope it assists him with his leadership campaign, but I would ask that the hon. member send a new picture to CBC and inform them.

Hon. B. Stephenson: It didn't do you much good.

Hon. Mr. Timbrell: Speaking to the point of order, privilege or whatever; I did, this morning, instruct my staff to contact the CBC, not to mention the CRTC, to register a complaint in that regard.

IDENTIFICATION OF MEMBERS

Mr. Kerrio: Mr. Speaker, I rise on a matter of personal privilege as well.

I did not think I should have to bring this matter to the Speaker's attention, but now it has happened that about four times he has introduced me as the member for St. Catharines. I thought by way of one of the pages I might send this picture over to him, and probably the visual evidence might remind him where I stem from.

Hon. Mr. Rhodes: Is that the Buffalo sewer?

Mr. Speaker: I would like the hon. member for Niagara Falls to know that it is appreciated.

MOTIONS

RESOURCES DEVELOPMENT POLICY FIELD ESTIMATES

Hon. Mr. Welch moved that the estimates of the Provincial Secretary for Resources Development be withdrawn from the standing resources development committee and referred to the standing general government committee for consideration not to exceed five hours.

Motion agreed to.

Hon. Mr. Welch: By way of further notice, the standing committee on general government will take those estimates into consideration on Thursday afternoon of this week.

INTRODUCTION OF BILLS

LANDLORD AND TENANT
AMENDMENT ACT

Mr. Wildman moved first reading of Bill 117, An Act to amend the Landlord and Tenant Act.

Motion agreed to.

Mr. Wildman: Mr. Speaker, the purpose of the bill is to provide a remedy to a person who has bought or leased a mobile home, which may or may not be situated in a mobile home park, and is unable to conclude a tenancy agreement with the person who owns the mobile home park. A landlord in these circumstances cannot arbitrarily or unreasonably refuse to make or renew a tenancy agreement, and where a question arises in respect to such a refusal, an application may be made to the county or district court for determination of the matter.

CONDOMINIUM
AMENDMENT ACT

Mr. Wildman moved first reading of Bill 118, An Act to amend the Condominium Act.

Motion agreed to.

Hon. Mr. McKeough: You bring all this stuff in at the end of the session so we don't have proper time to consider it.

An hon. member: And he said it with a straight face.

Hon. Mr. McKeough: No respect for the Legislature.

Mr. Conway: What about our licence plates, Darcy? Would you like a bill for that?

Hon. Mr. McKeough: They're included.

Mr. Wildman: Mr. Speaker, for the information of members, this particular bill was introduced in the last session prior to the election and there has been plenty of time to consider it.

The bill amends the Condominium Act to enable mobile home parks to be registered as condominium projects. The bill also clarifies the existing law by stating that a designated unit can consist of vacant land. This bill thereby provides for flexibility in the development of mobile home condominium projects, by enabling a developer to choose between designating a mobile home park as a unit in itself, or alternatively designating a vacant lot as a unit upon which a mobile home may be placed.

ANSWER TO WRITTEN
QUESTION

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answer to question 48 standing on the Notice Paper. (See appendix, page 2615.)

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF CONSUMER
AND COMMERCIAL RELATIONS

(continued)

On vote 1402, commercial standards program; item 1, securities:

Mr. Chairman: Are there any comments on item 1 of vote 1402? The hon. member for Hamilton Centre.

Mr. Davison: Mr. Chairman, when we left off on Friday morning—

Mr. Chairman: Order, please. The minister said he had a comment regarding this vote. With the member's permission?

Hon. Mr. Grossman: Just before we begin today, Mr. Chairman, I wanted to correct some information given by me on Friday afternoon to the member for Scarborough-Ellesmere (Mr. Warner). It was a question the member asked me at that time with regard to the aluminum inquiry. At the time I stated that to the best of my knowledge—it was information that we tried to get to accommodate him as the discussion went on—I reported that to the best of our knowledge Hydro was attending the aluminum wiring inquiry on a part-time basis and had not been cross-examining witnesses. I indicated at that time I didn't know whether they had asked for the right to cross-examine or not, and if they had whether it had been granted.

[3:15]

Further inquiries we made Friday afternoon in order to get full and complete information for the member indicated that that information was incorrect.

Mr. Crane, the solicitor of the law firm of Coutts, Crane and Ingram had been attending all the inquiries on behalf of Ontario Hydro. The inquiry had accorded to him the right to cross-examine witnesses and he has been doing so since he was accorded that right.

I apologize for the information given at that time. In fairness, however, I know members who were here on Friday will be aware that the member for Scarborough-

Ellesmere was still talking on the first vote in my estimates and had not waited until the appropriate point, the vote under which the aluminum inquiry properly comes up. Had we waited to provide any sort of answer until the proper vote, then we would have been able to have this information, as indeed I have it this afternoon; but in our haste to accommodate the member with information so that he could rest assured over the weekend we provided that other information.

Mr. Lewis: You are your father's son.

Hon. Mr. Grossman: Thank you, sir.

Mr. Lewis: Boy, oh boy, I'm telling you, this nepotism corrupts on all fronts.

Hon. Mr. Grossman: It's a great thing. You've done well by it, too.

Henceforth, perhaps we won't be so anxious to accommodate the members, but we will continue to do the best we can under the circumstances.

I might also add, while I am on my feet, that the member for Rainy River (Mr. Reid) the member for the Liberal Labour Party, asked for some information with regard to a full list of promoters and underwriters of junior exploration companies. He suggested he had had some difficulties getting that information. I'm happy to report that that difficulty need no longer continue. I have that complete list for him, and should he return to the House this afternoon I shall send it over.

Hon. Mr. McKeough: He's gone north.

Hon. Mr. Grossman: Should he not, I will send it over to the member for Renfrew North (Mr. Conway), who has been attending these estimates regularly, and he can forward it to him.

Mr. Davison: Thank you, Mr. Chairman; and our thanks to the minister for the corrections on the information involving the aluminum wiring inquiry.

Mr. Conway: Just pretend he is the Ombudsman.

Mr. Davison: In the absence of my colleague from Scarborough-Ellesmere, I could, perhaps, also remind the minister that it was not too much earlier in the debate we were suggesting that we should actually wait, not only for the proper vote under the estimates but until the commission had submitted its report and was in fact a fait accompli before we raised any questions with the minister in regards to what was happening at the inquiry.

When I left off on Friday afternoon, I was preparing to raise with the minister a ques-

tion on Inco's involvement and the Ontario Securities Commission's involvement in the recent problems in the Sudbury basin. I'm sure the minister will recall my statements and those of other Sudbury-area members of the House in regards to the effect that the layoffs have had in relation to commitments that had been made by employees at Inco who were being laid off. We heard example after example of an employee who had gone to a mortgage company, or had gone to a loan company or bank and tried to get a loan. The people at the lending institutions said: "We've heard rumours of something happening at Inco and we'll call the company before we give you a loan." They then proceeded to call the company and the company said: "Don't worry, that person is working here and there's no problem." The person then made the commitment on a mortgage, car loan or whatever other consumer loan it was, only to find out a few weeks later he was going to be laid off.

We all share concern on this aspect, with a lesser or greater degree of feeling, but that's not really what I wanted to raise with you; what I wanted to raise with you are comments that have come to my attention in regards to the reasons that Inco has given to the union and to people in the Sudbury basin as to why it was involved in that kind of duplicity with the workers. They have said that one of the reasons they were unable to tell the union about their future plans and the fact that these people to whom they had given a clean bill of health were going to be laid off, was that it would have contravened Ontario Securities Commission and US Securities and Exchange Commission regulations if they had disclosed that information privately.

I understand we have to have fairly strict regulation over securities trading. We don't want to get into a situation where certain investors have inside information and are able to make a killing on the market. On the other hand, even more damaging is the kind of thing we saw in the Sudbury basin just recently. I would like to know the minister's feelings on what he thinks of this reasoning on behalf of Inco, that they couldn't tell the truth because they would contravene the regulations of the Ontario Securities Commission. Where does the minister draw the line between human decency in terms of corporate actions and playing, when it's to their advantage, by the rules of the Ontario Securities Commission?

Mr. Conway: Quite literally an epic challenge.

Mr. Davison: Does the minister have a response or should I continue?

Mr. Reed: Mr. Chairman, point of order? I just wonder: Is the minister intending to reply to each of the speakers, or is he going to wait until each one has had their say?

Mr. Chairman: Generally, during the estimates, the minister replies to each member on the question.

Mr. Conway: I think he would like another question.

Hon. Mr. Grossman: It wouldn't be accurate for me to report to the member that we have investigated that particular explanation given by Inco, except to the extent there appears to have been no inconsistency in terms of that answer. They appear to have complied in all cases with the time of disclosure policy of the TSE and OSC. In simple terms, we have no particular policy, I am informed, which may prohibit disclosure of the type of information which the member thinks may have been more helpful. Just so the record's clear from some of the overtones of what you have said—and it may not be clear—in the case of Inco there is no evidence of any insider trading having gone on whatsoever in the circumstances. Other than that, I really can't help the member very much.

Mr. Davison: I would like some help; and I am sure that people in Sudbury, and other people who might find themselves in similar situations, would like some help from the minister. It's a fairly simple point. Inco has raised the Ontario Securities Commission as a major reason for their being unable to come clean with the workers. Therefore the workers were put in a situation where they now have huge debts and no jobs. I think that, in terms of human decency, is at the least an inappropriate action on the part of Inco.

I am not suggesting there was any insider trading. I am suggesting, probably, the opposite; that to meet the requirements of not allowing the possibility of insider trading what Inco did was shaft its own employees. If, as the minister seems to be indicating, Inco was acting to conform with the regulations of the Ontario Securities Commission, then what is he prepared to do to make sure that in future we don't have any more cases of this?

We have seen Inco workers go out and get credit. The company assures the lender that in fact this person does have a job, that the loan will in fact be a good risk. Then a couple of weeks later, the company turns around and lays the person off. Now that's the thing for which I am trying to find the solution. I would appreciate, and I am sure

other people in the province would appreciate, some assistance from the minister.

Hon. Mr. Grossman: I want to reaffirm essentially what I said before. There is nothing in OSC policy which would prohibit them from making any sort of disclosure to any of the lending institutions that were calling. They may have made some other value judgement on their own with regard to what they wanted to say and when. My point is that this is just not a securities matter. There is nothing in the Securities Commission policy which put them under that sort of prohibition; it was a decision they made on their own. You can criticize Inco, perhaps quite properly; it is just not a Securities Commission matter.

Mr. Davison: I want to conclude this matter fairly quickly. The point is that Inco has said, "We didn't tell you because we are prohibited from telling you that information privately under the regulations of the Ontario Securities Commission and the US Securities and Exchange Commission." If you are suggesting that's not true, that there are no such prohibitions in the Ontario Securities Commission regulations; then Inco is guilty, quite bluntly, of not being truthful with the credit institutions in Sudbury, its workers or the union.

If that is true and it has come to your attention, as it has come to your attention today, then could you not perhaps have a chat with Inco, clear up the matter and get it on the public record; so we don't have companies pulling similar tricks with their workers, so that other workers won't find themselves in the position of those people in the Sudbury basin who are now out of work but have huge debts hanging over their heads? Could you not do something that would stop this problem in the future?

Hon. Mr. Grossman: Again, in the absence of any particulars you can provide me which would, for example, say that Inco was using the OSC or its policies as a prohibition against releasing, or having released, some specific information at an earlier stage, I can only report to you the understanding from the Securities Commission that there appears to be nothing in their policies which would have prevented Inco from having made earlier disclosure than in fact they did.

Mr. Davison: If the minister or his staff took the trouble to read the Financial Post, October 29, 1977, they would find a story written by a Donald Rumball entitled "Union wants stockpiling," which talks about some of the other solutions to the problem at Inco. There is a reference to Inco's explaining to

the union the situation with the Ontario Securities Commission.

I wonder if the minister could have his staff look up that article and then confirm or deny that Inco did that; because if Inco did this, as the article clearly states, it has done something which is morally quite reprehensible. If it is a problem we can stop from happening in the future simply by the minister making sure that companies are aware of this, it would perhaps behove the minister to do so.

I also wanted to draw to the minister's attention an interesting article in the *Globe and Mail* of November 15, 1977, in which the following two paragraphs arise:

"New mining development projects in Ontario have all but dried up in the past 14 months as a result of the restrictive junior mine financing policies of the Ontario Securities Commission, it was charged at an informal meeting of OSC spokesmen and developers. J. P. Sheridan, a Toronto-based promoter and president of Shield Development Company Limited, noted that the only sizable underwritings in that period were by four companies undertaking ventures in foreign countries."

I just wanted to draw that to the minister's attention so he can inform his colleagues in his party that it is not simply the threat of socialist government in Ontario that's harming the mining industry, but rather the effect, perhaps, of policies of his government.

The other point I would like the minister to clear up for me, and it's beyond me how we should deal with it, is the whole matter of these letters I get—as I assume other members of the House do—from Malartic Hygrade Gold Mines. Frankly, Mr. Minister, I am quite worried about them. They raise what appear to me, as a layman, schooled neither in law nor securities, to be rather strong charges as to the workings of the Ontario Securities Commission. There is talk of people making false statements under oath and of resignations. There is talk of the commission placing an embargo on the company; charges of the commission practising a policy of censorship, making it illegal to trade in these shares; and accusations about members and former members of the commission and about ministers of the Crown.

[3:30]

It strikes me as a fairly serious matter with fairly serious charges, the substance of which I can make no judgement on from the material I get. I understand the minister has responded to the letters of the president of the company, J. S. Belton. Since the letters, and therefore the charges themselves, re-

ceived substantial coverage, at least among members and perhaps among the general public, I wonder if the minister might take the time during estimates, or if not simply take the time to submit letters to myself or other members of the House to let us know where the ministry stands on the issue and what response the minister has made to these charges by this corporation.

Hon. Mr. Grossman: First, dealing with the first subject raised by the member, policy 302, junior mining and so on, was discussed here the other night in some detail. Just to repeat, I think we've exchanged some thoughts with the member for Rainy River on some of the problems involved in the industry. Now that we have removed the threat of a socialist government in this province, it gives us time to concentrate on some of the other problems that are of an inhibiting nature. Having got the major one out of the way, perhaps we'll have some time for the others.

Mr. Lawlor: We are just gathering strength.

Hon. Mr. Grossman: Quite seriously, as we talked about the others, I must say The Securities Commission, as we see it, has received all sorts of input, and has taken very great care to receive input, not only from government generally but Natural Resources specifically, as well as from the prospectors, the people who are dealing with it on a front-line basis. It's kind of a new policy, and that input is coming in. We're fairly satisfied there is nothing in the rules which is having an overly restrictive effect upon the potential for developing the industry further.

I know the member will understand that the Securities Commission's mandate is protection of the small investor; we don't see that that is in any way in total opposition to a policy to encourage the type of mining development the member refers to. We think the Securities Commission has currently a pretty workable policy, which is not in itself restricting that development, but it's continually under review.

With regard to Malartic, again we discussed this the other night, we went through this in some detail. I might say that Malartic, from our close analysis and re-analysis of the situation, was treated exactly the same as any other company in the same circumstance. Over a period of the past 10 years or so, under the policy that's been in effect since that time, this is the only person who has taken such severe objection to the policies of the commission. There are dozens or perhaps hundreds of others who have been dealt with exactly the same. We do have a tenacious person here who is bitterly objecting to his treatment.

I want to confirm that everything I have seen, and that we have reviewed in the ministry with the commission, indicates they were treated no differently to anyone else in the same situation. They were treated under the same rules, regulations, policies and laws as everyone else. It does cause some concern when someone continues to write in, being very objectionable with regard to some of the people, some of the very good civil servants we have in the Securities Commission. That causes me some concern.

We have continued to review each communication as it arrives on our desk—on all of our desks in the Assembly—and we find nothing in this to amount to a substantiated objection or valid criticism with regard to any of the members of my very competent staff at the Securities Commission. Each has been reviewed as it came in. The ministry cannot report to you at this time—and, I might add, in the matter of Malartic not in the foreseeable future—that any of the activities of its staff over the last few years has justifiably been the subject of the type of criticisms made by this one person affected by the commission's consistent handling of his matter.

In simple terms, we have looked into the complaints. We find our staff is completely cleared; nothing in here can be substantiated, nothing, we feel, is justified. We have refuted it. The member may differ with us. I would report to the member that if he differs with the conclusions we have reached, he'd be faced with a fight by me, because we have looked into it and we are quite prepared to stand with our staff on that matter.

Mr. Davison: Far be it from me, Mr. Minister, to differ from you, nor of course to be put off by the possibility of a fight. As I said, I am in no position whatsoever to make any comment on the substance of the material. I just know nothing about it.

I appreciate the minister's comments, but it might be more useful, in future when such letters receive such wide distribution as these did among members of the House—I am assuming actually that correspondence has gone to every member of the Assembly—that the minister consider making some sort of comment, perhaps by way of letter to the members of the Assembly, so that we may know the position of his ministry, rather than each member having to write on his own to get an individual response. When something so contentious as this arises, which arises so frequently, might we have from you a statement or a letter to help us?

I suspect estimates are a terribly inappropriate place to deal with this kind of thing anyway. My questions were not so much

meant to be seen as supporting the charges of the company, but rather to get on public record, for the first time as far as I know, some response from the ministry. I appreciate very much the minister's comments.

Finally, I would like a commitment, if I could get one from the minister, to look further into the matter of the Inco situation, to at least have his staff look up that article and perhaps at least inform Inco that there are no such prohibitions, so that if every corporation of size in the province doesn't understand it, at least Inco understands and in the future won't raise this as a defence for what seems daily to become a less and less defensible position on the part of the company.

Hon. Mr. Grossman: With regard to Inco, I do want to make the situation clear. The Securities Commission—indeed all of my boards, commissions and agencies—would be pretty busy if they communicated with every company that blames government or a particular agency for its failure to do something, or for its problems. For one thing, I would have my aluminum inquiry people pretty busy writing letters.

If you want to address the matter, or if one of the Inco people affected wants to speak with the commission on a specific, that would be fine; and you may also want to communicate with me. In fairness, I just do not want to get into a position where a precedent is established so that every time there is some criticism raised, or someone is saying it's the ministry's fault, we are going to start to reply. I would be a constant communicator with the editorial department of the *Globe and Mail*, for example. I just don't want to get into that practice. My statement this afternoon in the House is free and open.

Finally, I will have the Securities Commission look at that article again. They inform me that they have, in fact, seen the article, but they will look at it again for me.

With regard to Malartic Hygrade again, the length and extent to which a complainant is prepared to be obnoxious about his complaints, or come to the border of libel, is not going to be a militating factor in getting me to send out communications to all members of this Assembly updating them on the latest 15 or 16 page letter we have received. I just don't think that would be an appropriate use of the manpower in this ministry. Nor do I think that is the type of thing which will discourage people from going high-profile on complaints they have on the off chance that, maybe, they can stir up enough unrest in this Assembly, and enough disruption of my staff in continually replying to 15-page letters, as

they arrive weekly or daily whatever the case may be, in order to assist their case.

We are prepared to stand on the record of the Securities Commission and the judgement they made in the Malartic Hygrade case, and any others of a similar nature.

To add to that, the Ombudsman now is dealing with this matter. Knowing the supreme confidence this House has in his administration and his efficacy, as indeed I have in his ability to make judgements in any event, I know the House will rest satisfied that the matter being with the Ombudsman members can hear back from the Ombudsman with regard to any of the specific complaints. I am concerned that the extent to which the particular letter writer here is prepared to be totally obnoxious in what he says should not be a militating factor, operating as a catalyst to get us to respond to these lengthy letters.

Malartic Hygrade did have the right to appeal to the courts from the decisions taken by the Securities Commission and chose not to do so. That may be of some interest to the member.

Mr. Reed: I am rising in the absence of our Consumer and Commercial Relations critic, who has experienced a death in the family and is unable to be here.

I would like to say a few words about the Securities Commission, since it involves an industry that has substantially declined in Ontario over the last few years. There are some areas that tend to blame, at least in part, the existence of the Securities Commission for their inability to fund mining ventures; however I understand that just recently, if my memory serves me correctly, you have indeed been cognizant of this problem of the junior investments and the Securities Commission has done something tangible in that regard. I wonder if the minister would be able to explain to the House just how the Securities Commission is treating the junior mining companies at present.

We all realize the importance of the Ontario Securities Commission; there is not one of us who wants to return to the days of the carpet-bagger, or what have you; but I do feel that a lot of our problems with OSC, and with venture capital and so on, are rooted in an attitude toward investment which tends to want to make investment in junior mining stock something of a secure venture.

[3:45]

It has been pointed out that the risk associated with investment in small stocks is very high, but at the same time it is considered to be a thousand times better on a

mathematical or an actuarial basis than investment in Wintario. So I suppose it is all a matter of attitude whether we take a flyer on a moose pasture or whether we really feel that we are investing in something which is or should be solid. However, I do think that there is a reasonable line of understanding which has got to be followed. I often wonder whether we need a new attitude on the part of government, in order to encourage a new attitude on the part of potential investors in the mining industry in Ontario, because, Mr. Minister, we are indeed in a good deal of trouble. If the way things have been going in recent years continues, not only will the mining industry dry up in terms of employment, but what tends to happen is that the expertise in the back-up industries will go elsewhere in the world. That's what they're doing at the present time.

I'm sure the minister is aware that Canada, and specifically Toronto, has historically been the hub of geophysical research and mining exploration and that most of the advanced expertise regarding these new techniques for locating anomalies in the world, has been located right here in Ontario. However, because our own mining industry has been so sluggish there has been quite a migration elsewhere in terms of personnel and brain power. There is money available for this kind of junior mining investment, Mr. Minister. It's here in Ontario. I would like to know if, indeed the minister has relaxed his position on these matters in order to encourage more of this investment and in what way?

Hon. Mr. Grossman: As we were discussing the other night when the subject of policy 302 first came up, and quite legitimately so, the role of the commission doesn't change from good times to bad times. It is always there to provide protection to the person who is going to invest in securities of whatever nature, and in doing so, to make sure that those people involved in the industry are not inhibited unnecessarily—unnecessarily, I stress—by whatever rules are developed.

Policy 302 was conceived and written after extensive public involvement. Everyone from the Ministry of Natural Resources right through to everyone in the industry had ample opportunity, and did avail themselves of the opportunity, to have input into that policy. Even after it was brought in, in April 1976 I think it was, it has continued to be under continuous review.

I know the member will acknowledge that having come in in April 1976, policy 302—which is the subject matter of all this discussion—could hardly have been said to have kicked off the downturn. It all started long before April 1976. I would be concerned to ensure at all times that none of our policies are so restrictive as to inhibit the bringing to life of that industry.

I think also some discussion may be appropriate in these estimates as to whether the role of the Securities Commission should be reviewed. I'm not suggesting that it should be, but I think you may want to address yourselves to the question of whether the Securities Commission—which after all is there with a mandate to protect the person who's buying the security or thinking about buying the security—whether it should change to one of concern about stimulating growth in the securities field and in mining, if that might be appropriate from time to time.

It would seem to me that a good argument could be developed that it ought to remain with other sources. For example in the case of mines, it could remain with Natural Resources to look after mining policy and see that the appropriate conditions are there, be they tax or other conditions, which would encourage the exploration of mines. Then it would remain in the Ministry of Consumer and Commercial Relations to ensure that in the raising of capital for that development out there, there is protection for the small investor, particularly as he or she chooses to invest in that property that's being developed as a result of whatever policies government may have, be they tax concessions or whatever.

Again, that is not currently the commission's mandate. It is not a mandate to stimulate or encourage, but rather to provide protection without operating as a damper unnecessarily, unless it is a particular case where we may have to make a bit of a trade-off. But, hopefully, the object of the exercise really should be to make sure there is no fraud occurring in the marketplace rather than ensuring no one is going to lose money. Of course, people are always going to lose money out there. We can't ensure they're not. That's not what the commission is supposed to do. We're supposed to make sure there are no frauds, no misleading information and that sort of thing.

It would seem to me full disclosure should not be an inhibition to the raising of capital in any way whatsoever. That's the main thrust of all these policies, to ensure there's

full disclosure out there, there is nothing hidden and the information is truthful. Having said all that, I want to add there is no question of the state of the industry at the present time. I do, however, want to be fairly specific in saying I don't think the industry is suddenly going to revitalize if the Securities Commission, all its rules, regulations and policies disappeared tomorrow morning. It just is not. I think it's fair to say the policies of the commission should not unduly inhibit the bringing to life of the industry when the industry comes to life.

You may be interested in this. I was just informed that public financing in Ontario is currently at the rate of \$4 billion per annum with junior mining having between \$5 million and \$6 million. So that sheds a bit of a perspective there so you should know the size of the problem when you are concerned about it.

Currently there is a study going on through the Ministry of Natural Resources. They funded a study. The figure, I think, is \$60,000. It was done by some very reputable people in the industry. It's called Natural Resources Incorporated. As a matter of fact, I had a chat with them just recently and they're studying the whole problem to which the member referred. I think that study will be in some time next year. Yes, I'm right, in February or March of next year.

That will tell us a lot more about the problems that the industry is facing. Indeed, if they have any comments with regard to 302 or any other policy of the Securities Commission. I want to assure the member we'll be the first ones to look at it very carefully—if my colleague, the Minister of Natural Resources (Mr. Bernier), hasn't called me by that time to let me know. We'll be dealing with those recommendations if, in fact, they have any comments on the OSC policy. We'll make sure those recommendations are looked at and dealt with expeditiously.

Mr. Reed: Does OSC still comment on the viability of a particular property, as to whether in their opinion a particular mining property is a sound operation from the point of view of the amount of ore that is supposed to be in the ground, or may or may not be in the ground? At one time OSC did I know and it came under a great deal of criticism.

Hon. Mr. Grossman: Yes, that's true. As a result of that criticism a system of ad hoc independent bodies was set up. Those decisions are now made by these ad hoc committees comprised of one of each of the following: A representative of the Prospector

tors and Developers Association, who chairs the committee; a representative of the professional mining engineers and a representative of the Ministry of Natural Resources. That independent three-member committee now does the job formerly done by my Securities Commission.

Mr. Lawlor: I have two or three matters, Mr. Chairman. I would like to comment on the Malartic situation.

When I read this letter some time ago, I did question in my mind under precisely what kind of an authority Mr. Bray was operating. Is it within the ambit of his office to issue instructions to the Broker-Dealer's Association rather than, for instance, if he feels there's anything deeply wrong, to suspend trading or to do those things which are more directly under his control and which commendably on the occasions in question he does do? He seemed to proceed somewhat differently on this particular occasion. I would like to have some assurances on that head.

Hon. Mr. Grossman: So that you will know and identify the source and authenticity of my answer I want to tell you Mr. Bray assures me that the allegations you have made are false.

Mr. Lawlor: I don't know what allegations I have made so far. I am getting around to allegations.

Mr. Reid: He is getting around to that.

Mr. Lawlor: I just asked a question whether the gentleman was acting within the scope of his powers under the Act.

Hon. Mr. Grossman: I was anticipating your supplementary. The answer to the first is yes.

Mr. Lawlor: Since it's in the hands of the Ombudsman and since he reports to a committee on which I now sit, I shall abide its coming up.

What is the experience with the Securities Commission with respect to various types of tax shelter vehicles? Are there quite a number of approaches to his department or office in this regard? To his knowledge, are the practices under MVRBs and with respect to motion pictures and what not, in order to set up the kinds of trusts and other devices that have been used, fairly widespread? This is kind of difficult for him to answer, but is there any feeling in the department that a fair amount of this escapes their scrutiny?

Hon. Mr. Grossman: The interests that the member refers to are generally speaking securities, and the registration and prospectus requirements of the Act do apply to them. In fact the Securities Commission did antici-

pate there were some which were getting by and were not being caught. As a result, one week ago Friday, I am informed, a notice to the profession—that is your profession and my profession and the others', if any—was published. As a result, some calls have come into the commission inquiring whether something or some particular enterprises do or do not fall within the Act. Those that do are being dealt with at the present time.

Mr. Lawlor: Have there been any points raised in the past as to the definition of securities as applicable to some of these fairly devious schemes, et cetera, which, if tested in the court, very well might fall outside the range of the definition? Have there been any challenges, in other words?

[4:00]

Hon. Mr. Grossman: I have before me and I'll read it for the benefit of the member, "Notes with regard to a Supreme Court decision; Pacific Coast Coin Exchange matter." This decision, released November 16, 1977, is an important decision, in terms of the securities legislation.

"By a majority of eight to one the court held that remedial legislation, such as the Securities Act, must be construed broadly and must be read in the context of the economic realities to which it is addressed. The Supreme Court was of the opinion that the legislation was not aimed solely at schemes that were actually fraudulent, but rather that it related to arrangements that did not permit customers to know exactly the value of the investment they were making.

"The court stated that it was clearly legislative policy to replace the harshness of caveat emptor in security-related transactions and that courts should seek to attain that goal, even if tests carefully formulated in prior cases proved ineffective and must continually be broadened in scope. The court stated: 'It is the policy and not the subsequently formulated judicial tests that is decisive.'"

There was a dissenting judgement, not surprisingly Chief Justice Laskin, who declined to enlarge the scope of statutory control in undefined areas. But the majority of the court clearly was of the expansionist nature, and I suppose, as an example of a live and developing legislative interpretation.

Mr. Lawlor: Was that judgement directed to commodities futures trading particularly under the Corn Exchanges, or was it restricted not to futures trading but extant trading?

Hon. Mr. Grossman: Not commodities per se. The full decision will be published in the December OSC bulletin, which the member will be getting.

Mr. Lawlor: We have had before us for quite a while a brand-new Securities Act, which I take it the minister is letting lie fallow in order to receive pertinent comments about it. I heard him say in this House the other day that he intended to bring that, together with two other pieces of legislation, here forward in the spring. Therefore, I don't think we should on this particular occasion dwell too greatly on securities. We will have plenty of opportunity to scapple that when the time comes, and when there is somebody in the House who knows something about securities happens to be here, namely my colleague, Mr. Renwick.

But leaving little things aside—I mean mere knowledge—and I do want to mention Stravinsky while I am on my feet, although I don't find him particularly pertinent to this debate. What provisions are you making with respect to the select committee on corporation law report touching takeovers, mergers and amalgamations? Have you made specific reference in your new legislation about corporations escaping criminal liability for their actions simply as the result of amalgamation? Has that been adequately provided for? That's really two questions: What's embodied in this new legislation arising out of the committee report; and the second one, having to do with the criminal liability.

Hon. Mr. Grossman: The report of the select committee was fully dealt with by the ministry when preparing the Securities Act, 1977, as it appears in Bill 30 on the order paper. I'm informed, although I obviously was not on that select committee, most of those matters dealt with by the select committee show up in the legislation—some that haven't been dealt with in other ways, with the exception of the private agreement provisions which you may recall from my statement in the House are under some review at the present time.

Once again, I'll read you from my statement exactly what is under review: First, the closed system of registration and prospectus exemptions; second, the rules regarding the regulation of mutual funds; third, whether some modified version of the present private agreement exemption found in the takeover bid part of Bill 30 should be restored to the bill. We're looking at those again, specifically, with the new chairman

of the committee. We'll deal with it as a package—what's in there now plus the review of the private agreement provisions of Bill 30, those recommendations of the select committee.

With regard to the amalgamation loophole referred to in the second part of your question, I'm informed that the courts have, in fact, closed the amalgamation loophole in a decision known as Black and Decker, the same people, I guess, re Black and Decker, Supreme Court of Canada. Perhaps I could arrange to have a copy of that decision sent over to the member.

Mr. Lawlor: I would very much like to see it. Wasn't it also closed by the federal Corporations Act at a subsequent date to our report?

Hon. Mr. Grossman: I can't tell you offhand, I'm sorry. I can't tell you offhand. I don't know. We'll try to get that for you.

Mr. Lawlor: My feeling was that it was, that the feds covered the ground.

Hon. Mr. Grossman: Might have.

Mr. Lawlor: Okay.

Mr. Williams: Mr. Minister, I've been listening with interest to the discussion revolving around the specific Malartic situation. Reference has been made to ongoing correspondence I guess all members of the Legislature receive from the specific individual geologist who is continually critical of certain individuals and the commission as a whole.

I'm not going to dwell on those points. A number of the members in the Legislature have already raised questions with you and you have responded accordingly. I'd rather come back to the points being made in a more general fashion by the member for Halton-Burlington when he was talking about the general concern of one segment of the mining industry in particular, the junior mining companies as they're so-called.

I must say, Mr. Minister, over a period of time I have had on more than one occasion discussions in various settings with people whose livelihood is dependent on the mining industry. They have been critical of the commission as being a quasi-legislative body that has been somewhat inhibiting in permitting them to develop to their full potential as mining corporations because of what they have alluded to as being overly stringent requirements, overly stringent procedures, overly stringent demands as to the amount of material that has to be filed with regard to qualifying to even get registered to offer securities to the public at large.

I hasten to say that unfortunately, all too often in these situations, they've been more passing discussions than discussions in detail, so I'm unable to cite chapter and verse to you the specific instances of alleged abuse of the over-bureaucracy, if you will, that they experience in this situation.

So I can't give you specific examples. But as I say, on more than one occasion in speaking with people in entirely unrelated settings basically the same criticisms arise. It causes a certain amount of disquiet in my own mind as to whether there is some justification for reassessing the rules and regulations under which we govern the mining industry, which of course does have to be properly controlled to protect the investor public.

At the same time, it would be unfortunate if the rules and regulations as they have been promulgated and are in force were so restrictive as to inhibit a sector of our economy that I think is being lost sight of as being still a very large contributing factor to the economy of this province.

I think the large percentage of the population which lives in the southern climes of our province, representing 90 per cent of our population, has tended in recent years to lose sight of just how important a continuing factor the mining industry is to our economy, and the fact that a good 25 per cent to 30 per cent of our whole economy is very much dependent upon the well-being of our mining industries.

Mr. Reid: A lot of jobs in southern Ontario depend on it.

Mr. Williams: Indirectly very much so; indirectly a lot of jobs can be dependent upon the well-being of the mining industry. It is because of these concerns expressed to me that I ask you several questions, Mr. Minister.

Before I come to those, I just want to add one further rider. In each of these recent discussions the individuals I have spoken to, individually or collectively have acknowledged that part of their problems are the general economic conditions confronting the mining industry on a world-wide basis. The second reason for their current plight they state to be the mining tax legislation, primarily at the federal level but aggravated by that at the provincial level. While recognizing these as being two factors that seem to be giving their industry concern, they specifically point out the over-zealous activities or controls of the commission as being a third very definite factor making it

more difficult than necessary to let their industry reach its full capacity.

I think you almost invited in your comments that perhaps the time had come for a general review to be made of how an already generally effective commission could be made more efficient, to not only serve the general investing public but perhaps to, at the same time, make it less difficult for the mining industry to flourish in this province.

Mr. Lawlor: You keep on reading Mr. Honsberger's letters, I'm sure.

Mr. Williams: I haven't seen Mr. Honsberger's correspondence for three or four months now as a matter of fact.

Mr. Lawlor: He's been neglecting you.

Mr. Ziembra: Get you back on the list.

Mr. Williams: I did point out, as a matter of fact, that I was making reference to conversations with persons other than that particular correspondent who, I think, other members of the House have made more than enough reference to this afternoon already.

[4:15]

What I ask, Mr. Minister, after those long introductory remarks is: When was the last time that an overall review of the commission was made, other than burning down the procedures under 302? An overall review of a far-ranging nature would give us some insight into just how effective the commission has been in all quarters, not just as far as the share-purchasing public is concerned. And how does the Ontario Securities Commission procedures, guidelines and regulations compare with those of our sister provinces? I am not totally conversant with the comparisons that exist.

What essentially is the difference between our commission and the US securities commission in their dealings with the mining industry and in particular, the junior mining sector of the mining industry? I am not aware of these same types of concerns being expressed by people in this industry when dealing with these other commissions in these other jurisdictions. Is there a basically uniform system that prevails in these other neighbouring jurisdictions or do we have something different that makes it just that much more difficult to do business in Ontario as compared to the other jurisdictions? If so, is it done with justification or are we being too restrictive in the controls we impose in what we consider to be the interests of the public at large?

Perhaps, Mr. Minister, you would choose to comment on those matters before I raise further questions.

Mr. Lawlor: We are gentle as compared to SEC.

Hon. Mr. Grossman: First, the Securities Commission has not undergone a specific review of the nature spoken of by the member but rather a continuous review from within with regard to its procedures and when it gets to a specific policy development such as 302 referred to earlier. It is noteworthy that the commission has had an opportunity to be self-renewed in the sense that it has had a new chairman rather regularly over the past period of time. This will occur once again on January 1 when Mr. James Baillie, a very active and experienced Toronto securities lawyer, comes on board for several years as the new chairman. We look forward to Mr. Baillie looking at the procedures, as indeed his predecessor did, and affecting some changes in order to make sure that it continues to be a living and responsive body. Mr. Baillie, I might add, is a practising lawyer from downtown Toronto and will be in a position to bring to the commission, some of the perspective referred to by the member. Mr. Baillie has dealt with the commission for many years as an outsider and would understand some of the bureaucracy, if in fact there is any, to which the member refers. I am looking forward very much to receiving Mr. Baillie's input and seeing what recommendations he may have with regard to changes in procedure.

With regard to the ongoing review, I should refer once again to the Natural Resources Incorporated study that is going on which will be reporting in February. It is a good example of how the Securities Commission has an opportunity to have its policies assessed from time to time. This one is being funded by the Ministry of Natural Resources and I look forward to seeing what they may say about the procedures of the Securities Commission.

The member asked some specific questions with regard to other jurisdictions. Our Act in Ontario is generally followed as the model for all of Canada. I am told that as a result the policies throughout Canada are basically uniform. They do follow our model and indeed several provinces are awaiting our new Act to make decisions as to where they are going. They have been following the progress of our new Act closely.

With regard to the Securities Exchange Commission in the United States, I am informed that the OSC is substantially less bureaucratic than the SEC. When stacked up against the other Canadian jurisdictions we are the same, our Act being the model substantially. With regard to the American ex-

perience, the SEC rules are generally thought to be more restrictive and more bureaucratic.

I do want to assure the member that the OSC continually reviews its procedures, it has an eye on what is happening out there in the marketplace. It is particularly concerned with any suggestion that the commission may be restricting new development unnecessarily, or throwing up unnecessary bureaucracy. I can understand people in the industry reporting that complaint to him. It is not unique to the securities field. I can take him through many sections of my ministry and, he would see someone, or some group, in almost every industry is saying there is too much bureaucracy. Sometimes, however, they find they have specifics in telling us where some of the filings are not needed.

It may be the case, from time to time, that there is too much bureaucracy. I am the first one to be sensitive to that sort of allegation. As a result, I will be looking very much forward to Mr. Baillie coming on board so that he can begin to look at it and bring his perspective to the commission. I can assure the member that if there are any parts of the system and the filings and the registrations required by the Securities Commission that are not appropriate, or they are not serving a function any longer, they will be changed as quickly as possible.

Mr. Young: I am sure that the minister is aware that every member of this House is extremely anxious to see that money invested in the development of our mineral resources in Ontario is used for that purpose.

I am encouraged by his point of view. We all remember the days when it looked as if about 90 per cent of the money invested in junior mines went into the pockets of the promoters, rather than into the hole in the ground. I hope that day is past, so that people who are investing in the future of Canada in good faith are actually investing in the developing of this kind of thing.

I would like to turn the minister's attention from the juniors this afternoon, to the seniors. As he knows, and as we are all aware, there are certain very large industrial empires in Canada, centred in large measure here and in Montreal, where a great deal of economic power is brought together and centred in these groups. I can use one as an illustration, where companies like Dominion Stores, Hollinger Mines Limited, Massey-Ferguson, Standard Broadcast, Crown Trust, Domtar and all their satellites are gathered together under the Argus empire. The control of these various companies is vested, to a large measure, in the Argus Corporation.

All these companies and all their satellites and all their ramifications are on the stock exchange and the investor has a chance there to see what their assets are, what their prospects are. So he openly invests in what he considers to be his future and the future of those companies and he is hoping that he is playing a part, not only in his own enrichment, but the enrichment of a nation.

But above and beyond that, in the case of Argus, for example, you have a company called Ravelston Corporation, which has over 60 per cent of the shares of Argus Corporation. The Ravelston Corporation is controlled—owned actually—by half a dozen of the most powerful and the most wealthy people in Canada. Peter Newman, in a footnote in his book *The Canadian Establishment* writes: "The Ravelston partners have first call on each other's stock so that no outsider can get in. The no-raiding provision extends even beyond the grave. When another generation of owners comes along, should any combination of partners want to sell their Ravelston shares at a premium (because the prize at stake would be control of Argus), then the other partners are guaranteed an equally high price for their holdings."

Could the minister tell the House what supervision there is for a corporation such as Ravelston, and, of course, the power group have the same sort of top-flight control in Gelco Enterprises. There may be others across the country.

Where I quarrel with this and where I want to know about it is that in the ordinary corporation, up as far as Argus, the shares are there to be bought and sold. We take our chances. But in Ravelston you have half a dozen rich, powerful men, who not only control that corporation but they control the whole economic process down through the subsidiary chain. They have a great deal to say about the value of shares; about the trading practices; about the kind of income which can be transferred from one company to another; and about whether one company shall do the bulk of business this year and another. And then, of course, they can determine what assets of this chain come up into Ravelston for distribution at that point among the very closed group.

This private club can make these decisions about the public companies, and yet the public has nothing to say. They can't even get in and buy the shares of that corporation.

I wonder what control there is over an entity such as this one, where the whole structure of the economic life beneath it is at least affected, and affected very, very strongly?

Hon. Mr. Grossman: I think I followed the member's remarks. In fact, I even read the

book. Really, what he's outlined for us is certainly not unique to the company in question, Ravelston is it? Or Argus or whatever. It's a not-unheard of situation for a small group of people in fact, either directly or through another company, a private company—I think Ravelston is a private company—to own a large block of shares in a public company. Indeed they may own a small block of shares in a public company but that small block may be a controlling block in a large company. They exercise whatever power they may have, obviously, through the equity, the capital they've purchased in the company.

That, I would think, is a matter of public record. Disclosure is certainly the keynote of our legislation here in the province. The small shareholder knows who controls a company and the extent of that control. It's there. A small shareholder may choose to buy or may choose not to buy on the basis of the control or potential control exercised by that handful of people. I don't know what specifically the member is suggesting we ought to do. Is he suggesting we break up small control blocks or whatever?

You'll note that in the new Securities Act some attention is paid to takeover bids where small shareholders are sometimes left behind. It's precisely for that reason some new securities legislation is going to be introduced again and this time passed in the spring to deal with that specific problem. But I would think subject to that takeover situation, the small shareholder either does or should know the rules of the game when he gets into it. It's a fact of life that there are some large, powerful corporations in a position to acquire control of companies—hopefully for the better, sometimes for the worse.

If the member has some specific suggestions as to the violation he may suggest is occurring, or could occur, and what he would recommend, I'd be pleased to hear it.

Mr. Young: Mr. Chairman, I have no specific suggestions to make here except this. The small shareholder can't get in here. There is no share on the market he can buy. But the power of this small group is almost infinite as far as the whole chain of public companies is concerned.

[4:30]

I can understand a family company such as Eaton's, where the outsider, perhaps, has no right to have any great interest. But if I'm shareholder in one of the smaller companies—say Dominion Stores, Domtar, or Massey—and I know that at the top of the pyramid there is a group which can guarantee a very large proportion of what is made

by the companies can be brought up into that final treasure—and there is absolute certainty that they can bring massive amounts up there for distribution among themselves; that's where their wealth primarily comes—then I am concerned there be some public record of what they're doing to the public companies in the chain down along the way.

Surely there is a right among the shareholders of these other companies to know how much of their assets are being siphoned off, and whether there is an undue amount going into the top echelon for distribution among the wealthy and the powerful, who hold a closed corporation at that point. It should somewhere be a matter of public record as to how much of those assets is being drawn up, and how much is being distributed to the people who hold the control.

Hon. Mr. Grossman: If the member will think about what Mr. Newman is writing, if that's what he's referring to, he'll get this picture. If there is siphoning, whether it's a company with one siphonor and a thousand siphonees, or the reverse, it's an offence. There should be no siphoning, small amounts or not. There is no such thing as an undue amount of siphoning; either there is siphoning or there is not. However, the member is using siphoning in a pejorative context, and has some hint of fraud or misappropriation. Therefore there is no such thing as an undue amount. If it is going on it's going on.

Mr. Young: It is an exercise of economic power, that's it.

Hon. Mr. Grossman: It's not unique to the company he's talking about. For example, he's talking about a situation where a small handful of people are controlling a company way up the line. The purchaser of a share of—the example he gave was Dominion Stores—doesn't know how much money is being siphoned out of his interest up to the small powerful group.

Let's establish a couple of things. First, the small powerful group he refers to is, in fact, a unit, an individual. It happens to be a private corporation. It's the same as you, your colleagues, my colleagues, or anyone having their own private company. It's no different in that sense that if the Eaton family happened to be there; it's a private company.

This is a private company which happens to be a vehicle through which some very powerful, and maybe not so powerful people, have chosen to invest their money. That private company has made decisions. It

could decide to buy land, it could decide to buy an airline. In this case it apparently decided to buy some shares in a publicly-owned company.

There's no secret about that. There is not the slightest secret that company R, or whatever it is, has made a decision to purchase so many thousand shares. Whether it's one person buying all those shares or a company comprised of fewer than 50 really should be academic to the purchaser of the share in Dominion Stores. It is one unit which has a certain amount of power through the shares of the other company, the public company. The number of shares in the control it exercises is not a function of the number of people in the private company.

There is nothing secret about the private company. The member or anyone else buying shares would have no right to buy into the Eaton family. If it were the Eaton family holding that share, there is no access to the Eaton family; the Ravelston company or whatever it is is a private company, and there is no access to it. So, in terms of the company up top, surely it is the amount of control it buys with its money and not the access of someone to its shares that is the relevant consideration.

It seems to be the relevant consideration is where the shares are in the publicly-owned, publicly-held company that the member may want to buy a share in. If the member has 100 shares in that company, what he wants to know when he makes that decision are, it seems to me, many things, two of which we can talk about. First, who owns what shares in the company? And what's the extent of their control?

That's a matter of public record. It's academic whether you end up discovering the controlling interest is owned by a private company in which you can't buy shares or whether the controlling interest is owned by Patrick Lawlor, QC, who has a lot of money and in whom you can't buy shares. What's important is that you know who they are and the extent of that person or company's control. What are they doing with that control? If they are siphoning money, as the member puts it, then it doesn't matter whether it's the private company, Ravelston or Patrick Lawlor, QC, they shouldn't be siphoning money.

What that unit with this large body of stock can do is only take money in accordance with their pro rata interest in the company, whatever the dividend is per share. They are going to get a heck of a lot more money because they have put in a heck of a lot more money and purchased that much more interest

in the company, but per share, they shouldn't be taking any more than the shareholder with one share or 100 shares. It's obviously on a dividend per share basis.

If there is anything amounting to benefits because one is an insider and there is improper insider trading then it doesn't matter if it's Lawlor, QC, or the Eaton Company or Ravelston Corporation. If they are using the information they have, if they are using the private control they have of that small amount of the stock which gives them effective, powerful control, to the detriment of the small shareholder, then it always has been and always will be, a violation under the Act.

The new takeover provisions for insider bids and issuer bids in the OSC rules as they are now are to assure greater fairness for minority shareholders, as are some of the proposed changes to the Securities Act. Those are all in place to protect the minority shareholders against the sheer size and power, more the value of control of a company, rather than what that control block is doing on a day-to-day basis. If the control block is stealing from the minority shareholders on a day-to-day basis, siphoning to use the member's word, that always has been a violation. Our attention is being turned now to whether there's a great amount of inequity in a situation in which your 100 shares, trading at the same value on the stock exchange as Lawlor, QC's 5,000 shares, should be treated differently in a takeover situation. Are Lawlor's 5,000 shares worth more simply because they amount to control?

I suppose to a purchaser they are worth more. Whether that is tantamount to an inequity to you who bought your shares figuring they were worth the same as each of Lawlor's 5,000 individually, is a matter for some debate and concern—hence some of the new policies of the OSC and the consideration that's going into the new Act. I hope we have covered all the permutations and combinations for you.

Mr. Young: I gather then from what the minister said, Mr. Chairman, the Ravelston Corporation is actually listed with the Securities Commission. Its shareholders are known. Its assets, the figures, are there for inspection.

Hon. Mr. Grossman: Just to clarify it, we don't know anything about Ravelston Corporation. The details of who owns what in that company are not known any more than we would know the names, addresses, phone numbers and relative holdings of each of the Eaton brothers. But the interest of Ravelston Corporation as a shareholder and the numbers of shares are of course on the share register of the company, a matter of public record.

All the financial dealings of the publicly-held company are a matter of public record. The purchaser of shares could have his stockbroker go in and find out who is really running this company.

That's the question you want to know: Who is running the company and how have they been running it? That should be disclosed through the dividend record, the financial records and the statements on file. That is all open, so in that sense it's as legitimate a question as a large company may ask about each of the individual shareholders. I suppose from time to time they do find out because they want to know whether the company that buys small control blocks may be subject to losing control because of some identifiable small shareholders who may want to band together.

I think it is relevant for the member to be aware that all the information on a public company, including who holds what shares, is available on public files at the Securities Commission's new premises at 10 Wellesley Street. You come in, look, and find out the extent of the control and who has it. With regard to Ravelston Corporation or whatever, I suppose you do a corporate search across the street and find out who the shareholders of that company are, if you found Ravelston on file as holding shares.

Mr. Lawlor: Just one further question on securities. There is a move in North America, and I would like to know how much in Ontario, for public companies to pick up their own shares and to convert back to private corporations because their stock market quotations are undervalued. The directors consider if they reconvert to a private corporation they are closer to the true market situation touching stocks, should they subsequently desire to sell.

Is that a phenomenon that is occurring, and to what extent does it affect Ontario? Does it come through the securities people in the process?

Hon. Mr. Grossman: Yes, it is a concern. In September 1977 policy number 337 was adopted by the commission. It deals with the problem of issuer bids and sets out disclosure rules on repurchase by issuers of their own securities, including, where appropriate, independent valuation of the issue as a going concern.

There is also a policy statement, I am informed, on takeover bids as related to this, which has just been put out in the last two weeks. Yes, it is a phenomenon that is occurring here and some policy statements have been developed to deal with it.

Mr. Lawlor: You say it is a problem. What I am asking, too, is to what degree it is a problem? Are there quite a number of these conversions taking place? Have you any numbers on it? Do you consider it a retrograde step?

Hon. Mr. Grossman: There were about a dozen last year.

Mr. Williams: Just an isolated question, moving away from the mining industry as such and coming to the item dealing with registration of scholarship fund dealers. I notice the number of dealers in this specialized field is very limited. I recall a few years ago this was a type of investment that was very much in vogue and there was a great rash of activity in this area. I think this must have been about 10 years ago. Frankly, I just don't know what the current status is with regard to the sale of this type of security or investment, or whether there has been a complete demise of this type of investment available to the public or what happened. But I know it was a very popular commodity at one period of time. Could you enlighten me, if not the other members of the Legislature, on that point?

Hon. Mr. Grossman: It's not so popular any more. There are to our knowledge two scholarship funds at most. There's one operating in Quebec only and one operating across Canada. So there are only two. There were three at most at any one time. In Ontario, at least, they are not particularly popular.

[4:45]

Mr. Williams: Are they active at this time, Mr. Minister?

Hon. Mr. Grossman: Just one, Canadian Scholarship Foundation.

Mr. Williams: How broad are the activities of this particular fund? What is the extent of the investment made in the fund to this point? Do you have any information on that?

Hon. Mr. Grossman: It's operating across Canada; we don't have any figures with regard to how many dollars are being invested in Ontario.

Mr. Makarchuk: Do you at any time go and see that there is an agreement in existence between the people who sell the fund and the trust company that stores the money and pays the interest, to see that the people who purchase the fund are getting a fair break? In other words there may be agreements in effect; the trust company may be collecting eight, nine, 10 or 12 per cent on the fund and returning four or five per cent

to the fund. Does your department at any time look into these agreements and find out what relationship exists and what payments are made into the fund? Also, is a proper audit ever done of the fund to see that all the money is actually turned over?

Hon. Mr. Grossman: We receive a proper audit every year, in conjunction with a prospectus filing which must be filed annually with the commission. I'm informed the agreements are examined as well.

Mr. Makarchuk: It is sold at times. The reason I know something about it is that I was involved in this years ago—through a fairly high pressure operation. Is whether the consumer is getting a fair break on these funds a matter of concern to you? Do you investigate them?

Mr. Lawlor: So, he finally said it.

Mr. Makarchuk: I started one of them.

Hon. Mr. Grossman: There is no question about it; we do not get into value or quality judgements with regard to the practice. With securities, mining stocks and so on, some are subject to high pressure sales and some aren't. I think the members would have complaints if we made those value judgements. Indeed, we'd be talking about who assesses the legitimacy of a mining property and making sure that we're not just arbitrarily sitting up in our office saying, "This isn't good enough." All we can do is make sure that there are proper audits, prospectuses are filed, and there is full and complete disclosure.

I don't think the member would suggest we pass a value judgement as a policy, other than making sure that it's watched carefully, restricting the sales and watching the charges involved.

Mr. Makarchuk: I feel there is a difference between mining stock and this, because it operates on a non-profit basis, has a board of governors that represents universities, or represents itself as being associated with some institution. When people are buying or enrolling in the fund, they may somehow get the impression they're actually getting a fair break. The understanding is that \$100, or whatever the rate is, of their initial investment is going to go for the administrative and selling costs, and the balance is turned over to them. It goes into the fund which will eventually be split and doled out to all those who will be going to universities or community colleges or whatever.

Where there is an element of concern is whether the interest arrangement between

the trust company and the sellers of the fund, and the interest that's being paid into the fund, into the pool, is really a fair and reasonable interest. I think it could be deceptive to some people. They'll look at the fact that there is this board of governors from universities, and that it is a non-profit foundation, so they would be tempted to think it's up and up and on the level. However, there are areas in it that I think are, or could be, slightly shady. I shouldn't say that they are but that they could be.

Hon. Mr. Grossman: National policy No. 15: Conditions precedent to acceptance of scholarship for educational plan prospectuses. It sets out 16 different conditions before a prospectus will be acceptable for filing. Number seven deals with one of the points the member has raised: "The entrance fees charged, including the commissions of the distributor and its salesmen, must not exceed \$200 per plan. The first \$100 paid under the plan may be applied against this fee and the balance may be deducted at a maximum rate of 50 per cent of each of the further contributions." That's the condition applying to the charging of fees.

(The member will understand that through the annual filing of the prospectuses, the foundation, which in all cases is non-profit making, the sales organizations, fees and expenses are shown thereon and gives the Securities Commission some element of control—because they are disclosed yearly in a prospectus filing. Frankly I haven't got the in-depth knowledge or experience that the member has. Some of the questions he has raised gives me cause for rumination. I'll have a look at it if you want to supply me with some more details.

Mr. Makarchuk: Could you have your people ruminate on the interest being paid from the trust company into the fund and is eventually paid out to the various people, and see if it really is a fair interest rate for the money that is going in there? The reason I am asking is that I think the initial fund, the first one, was started by an American example. The second one was the one that I started myself in Canada a few years ago.

Hon. Mr. Grossman: Aha, now I'm suspicious. We'll check into that one specifically I can assure you. That's probably out of business. I am informed by my staff that they do watch it and are satisfied in each instance that they get the best rate available from the lending institution. But I'll look into it myself.

Mr. Williams: Coming back to the comment made by the member for Brantford where he suggested that there could be some shady go-

ings on: Is that just in his own mind or is there some substance to that that might be borne out? Could the minister indicate whether in fact the commission has ever received any complaints from anyone who has had any dealings with the fund, from a purchaser or a potential purchaser, as to some apparent abuse of the plan that has been presented to them? Has there been any evidence of abuse of this type of investment program?

Hon. Mr. Grossman: No. Not even the one started by the member for Brantford.

Mr. Young: Coming back to the issue raised by the member for Lakeshore, I would like to ask the minister whether any investigation has taken place about the effect of this process on the investors that are left outside when the company has bought in a control, or whatever it needs, of the shares of its own company, and then become a private company? A lot of people are left holding those shares, which then have no market and may become very low valued shares. Has any investigation been undertaken to see what happens to those minority shareholders at that point?

Hon. Mr. Grossman: It is something that is under careful study right now by the Securities Commission dealing with that specific point raised by the member. You'll recall my earlier remarks that where necessary there is an evaluation required of the shares in question. During 1977, in view of the 10 or 12 going private situations we face, it is clear there is a definite need for full disclosure of all the relevant facts.

From all of that, in light of the experience, it is clear there are circumstances where, by virtue of what we were talking about a moment ago, just the sheer value of the control block versus what is left after the purchase, there still remains some sort of problem. Hence the Securities Commission is, as I say, dealing with it at this precise time.

Mr. Young: Do you have the results of the study that is going on then?

Hon. Mr. Grossman: Yes.

Mr. Young: We will have it before too long then.

Mr. Davison: In regard to the point raised by my colleague from Brantford about the scholarship trusts, I take it these are classified as securities in terms of section 1 (f) of the Business Practices Act and, therefore, do not fall under the terms and obligations that we find in the Business Practices Act. Is that correct?

Hon. Mr. Grossman: I will get that answer for you shortly. I cannot tell you right now.

Mr. Davison: The answer may come after we have left the securities portion. I would ask the minister, if that is so, if he might address himself to a comparison between the protection provided the consumer in this sense with the securities regulations, as opposed to the rather strong protection coverage provided to the consumer by the Business Practices Act.

If it is true that it does not fall under the Business Practices Act, as I suspect is the case, I wonder if the minister could take it upon himself to examine the possibility of not bringing those under the Business Practices Act but rather extending the provisions of the Business Practices Act to the securities regulations involved so that consumers in this field get the same kind of protection that they do in other fields, regardless of the difficulties involved in setting up changes in those regulations.

Hon. Mr. Grossman: I would think, particularly when the whole process is finally reviewed and studied and some changes are made, if required, the consumer would be protected through the Securities Commission route and be given, as the member acknowledged, more protection than under the BPA, if in fact, it is included under the BPA. I don't see the gap in consumer protection. The more severe and better consumer protection surely in this field is already available under the securities route rather than the BPA.

Mr. Davison: That remains to be seen as we do not as yet have a determination of which they are under.

Hon. Mr. Grossman: My solicitors have informed me that the member is right. It does not come within the definition of the BPA, but surely he would agree that all we have been talking about in the last little while is what is deemed to be overly restrictive provisions and rules set out by the Securities Commission, and that the Securities Commission may have gone too far in requiring too much filing, too much information and too many prospectuses, so much that it may be inhibiting some operations.

If the member is suggesting that the Securities Commission does not provide enough consumer protection, he will be the first contributor to this debate today to be making that suggestion. I think he would probably be the first person ever to have suggested that the BPA-type of approach would provide more protection than the filing of prospectuses, continuous policy revisions and all the powers wielded by the Securities Commission provide.

Mr. Davison: With the greatest respect, we are going to address ourselves to the Business

Practices Act in a couple of votes. The point I am making is that there is a substantial difference between the manner in which the securities legislation and this kind of legislation works. One works supposedly before the fact and one works, apparently, after the fact, if either works as it should work.

[5:00]

The real basis of the question I was asking was which does it fall under? We have to see whether or not all of the regulations we have at the beginning of the process, as it appears we now have under the securities program, are as effective as they might be. We also have to see what recourses are available at the other end after the consumer discovers that in spite of all of the protection at the front end, he may or may not still have been ripped off.

I raise that question actually, without knowing which it was under. I hope the minister understands that. But I am quite correct, I suspect, in my analysis of the protection at each end of the process.

Hon. Mr. Grossman: Other than to say that securities obviously, operates before the fact in requiring all sorts of filings subject to all sorts of rules, regulations, recall and all of those provisions, it would be before the fact. In this particular circumstance, I'm sure he would agree, now having ascertained what it comes under, it's a pretty effective forum for this particular problem.

I have no apologies, as the member might find out when we get to business practices, for the approach currently taken under the BPA and the legislation that we'll be dealing with at that time, the things that the BPA is supposed to cover, and the abuses it is supposed to stop. That sort of legislation, we think, is appropriate for those goods and services covered in with the BPA.

Obviously, we've made other determinations with regard to securities and some other fields where we feel we have to go the prospective route. But in each case we think the right decision has been made for the potential consumer abuse involved.

Item 1 agreed to.

On item 2, pension plans:

Mr. Davison: In regards to the board and/or committee that's established under this section of the ministry, I wonder if the minister might tell us, not necessarily the makeup of the entire board, but whether or not there are as representatives on the board any working people, any people with experience as the major consumers, if we can call them that, in the pension world?

The other thing: One of the themes that will keep popping up through the estimates, not only in the business practices discussion but in pretty well every section of the ministry, is the question of consumer faith or consumer credibility as far as the ministry is concerned. I had a case come to my attention—and I'd like to give the minister the file number with the Pension Commission of Ontario. If he has any questions about what happened, he can look them up. The file number is C-7820. It's a curious case that's gone on for some long time. It involved a number of communications between my constituent and myself, my constituent and the Ministry of Labour, myself and the Pension Commission, the employer, the people who run the pension and a lot of cross-communications. The file has correspondingly been built up to a rather substantial size.

There's one element of it all that puzzled me—more than bothered me—and led to a shattering of my constituent's faith in the Pension Commission. I suspect it is the kind of thing you see hurting the credibility of the ministry in other areas of the ministry. I don't know if it was an error in style on the part of the commission or if it was an error in substance. I realize the minister won't be able to answer the question now but could perhaps inform himself of this situation later.

What happened at one point was the constituent wrote a letter to the Pension Commission in April 1977 and in June the commission responded to him. He'd raised four points in regard to his pension and the problems he was having with his pension. The Pension Commission wrote to the consulting actuary firm that was doing the work on the particular pension.

Mr. Deputy Chairman: Will the member please speak a little louder or speak into his mike because we're having a little trouble hearing.

Mr. Davison: I'm sorry, I'm having a little trouble speaking.

Mr. Conway: Speak up, boy, speak up.

Mr. Davison: I'll try. The commission then wrote to my constituent in response to the four points he had raised. In a three-sentence letter, it said they referred the question to the company running the pension and the letter from that company addressed itself to one, or one and a half, or possibly two points my constituent had raised in the letter that contained four points. This was sent back to my constituent by the commission.

After he had fought the issue out over a number of months with the company, he approached the Pension Commission, ex-

plained it all, raised his four points and the Pension Commission turned around and wrote to the company. It got a response from the company without any further explanation and that response was the very same one the constituent had been getting in greater or lesser detail over the past couple of months.

I don't know whether that was a substantial error or whether it was just an error in style but the effect it had was to completely destroy the constituent's faith in the Pension Commission. He felt they had sided with the employer and the pension company.

I wonder if the minister, over the next few weeks could look into that particular case as an example of why people in Ontario lose faith in the ministry's programs, not particularly with the Pension Commission because there are other examples I'll raise later in the debates concerning constituents of mine. I'd hope he'll look into that and make himself aware of that.

Hon. Mr. Grossman: What's the file number again?

Mr. Davison: The file number is C-7820. Perhaps while you're on your feet you'll address some remarks to representation on the board or committee that's struck under this file.

Hon. Mr. Grossman: The answer is, yes, I'll look into that particular case. I would caution the member, although he hasn't taken my advice so far, he ought to be dealing with specific cases on a more confidential basis. It's his decision. I would hope that before he suggests the public's confidence in the commission is entirely shattered, which is a little unfair, although he's more than free to report as he did later in his remarks that this particular person's confidence is shattered, that he get details to show a recurring pattern.

I think it is only fair to the people who put in long hours on the Pension Commission to be pretty careful about suggesting anything is an overall practice, unless he's got evidence that it's an overall practice, or to say the public has no confidence in my ministry generally. That's the member's opinion, he can say that, but when it comes down to specifics such as saying that this is an example of why the public has no confidence in the commission, I would urge the member to be a little more restrained in his comments and deal with a specific, if indeed, he wants to deal with a specific, on the floor of the House.

In any event, we'll look at C-7820 for you and not reply in the House but rather, we'll

send you a detailed letter with the rundown of what happened there.

The members of the board are: Ms. Donna Haley, chairman and a lawyer. Mr. Rudd, vice-chairman and general manager of London Life; he's an actuary. Mr. Laurence Coward is an actuary. Mr. Gordon Milling, research director, the United Steelworkers'. Paul Kates, insurance agent. William Sanderson, who is in investments. Mr. Priestner, vice-president of Finance, Westinghouse. Mr. Peter Kennedy, who is an insurance broker and just as I am speaking Mr. Coward has resigned; he's being replaced by Mr. M. D. R. Brown and I don't know what his background is.

Oh, he is an actuary as well, I am informed.

Mr. Conway: Get a handle on that ministry, Larry.

Hon. Mr. Grossman: Well, he's resigning.

Mr. Davison: I might suggest to the minister that it might be a better idea if such boards had a bit more consumer representation. I don't think it has to be a 50-50 deal, or that we have to have radical change, but perhaps one or maybe two more of what in this field would pass for consumers should be represented on the board. Because those are the people who are most personally affected. I am sure they would be able to provide to the board or committee a badly needed other perspective.

Hon. Mr. Grossman: I don't think it's badly needed. I reject the suggestion that the pension committee is not responsive to any suggestions and the problems. What can I tell you? I want to say that throughout my term in the ministry where there are appointments called for to commissions, we will in every case, as in the case of my predecessor, make sure that there is good consumer representation, however one defines consumer representation, on each particular board and commission.

When you go through the estimates you will find pretty good consumer representation on a lot of the boards, agencies and commissions in the ministry. This happens to be one in which the very complexity of the things they deal with requires more than just plucking your average consumer off the street and saying: "Hey, would you like to spend a day every two weeks"—which I am told is about what it is—"about a day every two weeks dealing with the really very technical matters?" We have three actuaries on here; that's not an accident obviously. It's just not that easy to identify what would be, to use the mem-

ber's words, a consumer voice on the commission.

However, I can assure you that in the matter of this commission and the others we will be watching that very carefully to see that there is adequate, sufficient and useful—which is a problem in something as complex as this—consumer representation on the board. Having said that, I want to explicitly reaffirm that I don't identify this as one of those commissions that is suffering a problem in terms of its responsiveness or its understanding of what the pension "consumer" is demanding or needs at present. I think they have done a fine job.

Mr. Davison: I think the minister has recognized the principle and concern that I am voicing, and I trust he shares it. I don't see anything too wrong with plucking a couple of average people off the street to sit on a board like this. If we had a bit more common sense, in terms of street sense, on some of these commissions and boards we set up, we wouldn't get some of the perspectives that we do get from some of these boards, committees, commissions and whatever government sets up. I understand the minister shares my concern and understands the concern and does, as I do, share respect for the capacities, understanding and capabilities of average people that we might pluck off the street.

Hon. Mr. Grossman: I appreciate your comments and agree with the sentiment you have expressed. I know that there will be someone in the riding of St. Andrew-St. Patrick who can provide that consumer input to the board.

Mr. Williams: Dealing with the composition of the board and the individual members, unless there has been a recent amendment to the Pension Benefits Act, I understand that the Act provides for a minimum of five and maximum of nine members. I notice that we have a complement of eight members at present. I was wondering if you normally maintain a full complement of members, as provided for in the legislation, or whether eight has been the traditional number. If you have not utilized the maximum numbers permitted by the Act, why not?

Hon. Mr. Grossman: The practice has been that it is a three-year term with rotating membership. It has always been eight, for neither obscure nor obvious reason; it has just always been eight. It's something we will certainly look at, particularly in

view of the remarks made earlier about the need for plucking someone off the streets.

Mr. Lawlor: The area of pension funds has been mentioned in the past, I believe. I think it is worthy of being brought forward again on this occasion. After all, this is the only occasion.

You're sitting on a hot potato—let me put it catastrophically. One of these days one of those pension plans is going to blow up. It is going to be a major one, and there is going to be a horrendous squawk about the whole thing. I think you should be thoroughly alerted before it happens.

It's a question of the funding of the plans. It has become more and more a matter of notoriety and I suspect, on the Pension Commission fear, that inflationary pressures being what they are and the moneys flowing into the funds in such a way as not to be commensurate, not being fully funded, the fund will prove bankrupt.

I would like to know to what extent this is being canvassed. Three or four studies on pension matters, one of them I think from the Economic Council of Ontario—not of Canada, of Ontario—have recently crossed my desk. I have a special place I put all this pension stuff. I don't always have time to read it, that is one of my regrets. But it is an area of very great and consuming interest, particularly taken in the context of my remark that the position of danger has now been reached. I suspect that in the next five years many of these plans will fold. I think you have to pre-empt that possibility by moving in more assertively than your predecessor. You have hardly had time yet.

As an aside, you are more prickly and defensive about this grab-bag constituency of yours, this particular department, than more roly-poly previous ministers have been. You nurse it like a mother hen, as far as I can see sitting over here. You find any type of blandishment or criticism not only unwarranted, but practically a criminal offence.

Mr. Conway: I tell you Ms. Beardsley's scared.

Mr. Lawlor: My friend's remarks with respect to the Pension Commission failing in this regard brought an unwarranted response. Without stepping on my colleague's toes too much I want to say in passing that they do a good job. Whenever I write to the Pension Commission they send back adequate information to satisfy my constituent, and they do it quite promptly. So, on the basis of my personal experience I want to give them credit in this particular area.

What has the minister to say about this whole funding problem?

Hon. Mr. Grossman: To confirm the member's concern, and to assure him it is one shared by all of us in the ministry, while I haven't had time to set the whole thing straight in my couple of months in office, it is however, something that was drawn to my attention early on and something about which I could immediately appreciate the seriousness.

The royal commission on pensions which was established by the government, as you know, to deal in part with this problem, will be reporting to us as early as possible because of the seriousness of the problem. I'm told report number two, a funding status report, is coming down from the Pension Commission in May and will deal specifically with the problem.

Because I do share and understand the member's concern in this field, I can assure him when it does come down in May, notwithstanding the heavy work load we have on for next year we absolutely will be putting it on the front burner and dealing with it as a priority. So we will indeed be aggressive when we have the badly needed input from the very good royal commission to set the matter straight as early as possible next year.

I don't underestimate, by the way, the task ahead even after we get the report of the royal commission. But we'll be terribly aggressive with it.

Mr. Lawlor: You don't want another Atlantic Acceptance.

Hon. Mr. Grossman: No, I don't. We're doing everything we can and will do everything we can as soon as we get the report. I might say I am referred to the new section 4(a) of the regulations which provides more flexibility in funding of pension plans and helps those plans which are affected by inflation, but at the same time maintains the safeguards of the funding requirements.

I might say all of this concern has resulted in the Pension Commission studying even more carefully and rigorously the documents that must be filed with them from time to time, as the member knows. Again, I can only assure him of our awareness of the problem and that we'll be terribly aggressive after the royal commission report comes in.

Finally, I can't sit down without commenting I'm glad the member was able to locate at least some of the communications on pensions he filed on his desk. I've heard about his legendary desk. May I say he may find

me defensive about the staff. Indeed, I've found in my short time in the ministry we have very excellent staff and yes, I will be rather defensive about my staff. If he recalls what I said to his colleague—and the member for Lakeshore in fact bore out my remarks—that in the course of these discussions and any other discussions we might have, I would urge upon members of the Assembly, to mention specifics which I would be glad to take up with staff. I would be terribly meticulous in following up any specific criticisms of staff to make sure those criticisms—if warranted—are corrected immediately.

My comment was only that where there is one specific instance I think it rather incumbent upon a member of the Assembly not to jump from a specific problem, an identifiable one—he was kind enough to identify it so we could follow it—to a presumption that the entire Pension Commission is not responsive or that the public has no confidence in it. If there is a pattern or if he has any evidence it is a pattern, he may argue that case and then make the statement there appears to be a general problem and the public generally has no confidence.

I think these were some of the remarks with regard to another part of my ministry the member for Scarborough-Ellesmere (Mr. Warner) was trying to make the other day on another matter. That's a different situation. My caution was only with regard to jumping from a specific to a general condemnation for whatever purposes he may have. I just don't think it does any justice to the particular board in question. I just urge the specifics on the members.

Mr. Williams: Supplementary, if I might.

Mr. Conway: Cross the floor, John. You will get a lot more attention.

Mr. Reid: Please don't.

Mr. Williams: The member for Lakeshore has made reference to, or suggested, one of these days one or more of these pension funds is going to blow up, as he says. I presume he's alluding to the fact that perhaps they'll find themselves, because of the way in which they are structured, financially insolvent all of a sudden, and unable to meet the payments to the participants in the plan. I don't know if that's what he was alluding to. I presume he was.

Mr. Lawlor: That was a presumption you may presume.

Mr. Williams: Pursuing that point for a moment, the Act gives power to the commission to reject any pension plan that doesn't qualify for registration, which is obvious. It also clearly provides the right to cancel any

existing pension plan certificates of registration, issued in respect of pension plans, where it appears that a particular pension plan no longer is able to meet the test for solvency, or otherwise qualify under the Act.

What has the experience been of the commission, with regard to it having to exercise those powers under the Act in recent times, if at all?

Mr. Conway: Answer carefully, now.

Hon. Mr. Grossman: I always do. In essence, my people have had to threaten to deregister certain plans but have never had to go through with that threat. They have never had to deregister. The threat seems to have done the job and got things back on line.

Mr. Williams: How frequently does the threat have to be applied?

Mr. Mackenzie: Once is too often.

Hon. Mr. Grossman: Infrequently.

Mr. Peterson: What are the criteria you are using, when your ministry is looking at these private pension plans, as tests of solvency? I am profoundly concerned about this issue. I heard the remarks of the hon. member for Lakeshore over the box and I ran up here, because I think I agree with everything he said. I would say it is far more serious than even he has indicated.

Mr. Lawlor: Well, I said it was catastrophic.

Hon. Mr. Grossman: If he has a better word, I would like to hear it.

Mr. Peterson: This is a very serious catastrophe though. This isn't an ordinary catastrophe. We have ordinary catastrophes every day in this House, but this is a very serious catastrophe. And I want to know what your plans would be if a private plan went under or a private company couldn't come through on their pension plan. What would you do?

Hon. Mr. Grossman: I am relieved that the member ran up so quickly to get into this debate about which he is so concerned. I want to assure him, so he will be able to test these assumptions, that as they come in the annual actuarial reports are reviewed by my people with regard to the methods used. Secondly, the assumptions behind the actuarial assumptions used in preparing those statements—

Mr. Peterson: Do you insist on an annual actuarial review?

Hon. Mr. Grossman: Tri-annually.

Mr. Peterson: I am sorry?

Hon. Mr. Grossman: Tri-annual, that means three, Dick. Third, my people carefully check

out the valuations used for evaluating the assets shown on those statements.

The member can check the regulations which show the tests of solvency used by my people. They are in the regulations. In the event the plan is insolvent my people would take steps to wind up the plan and see that those employees with full accrued benefits do get whatever interests are available to the extent the plan is funded. There is no magic to it. We would just come in and make sure that those employees who had full accrued rights got what was in the pot.

Mr. Peterson: Are you telling me the beneficiary under the pension would have no more rights to funds or security of income than what is the sum total of that fund? Is that what you are telling me?

Hon. Mr. Grossman: Basically, yes.

Mr. Peterson: The other thing I want to ask you, are you happy with a review every three years? An actuarial review?

Hon. Mr. Grossman: It seems to be working pretty well up until the present time and my people do have the right under legislation to request filing more often if they have any reason to believe it would be appropriate. It is done on occasion.

Mr. Peterson: What is your view on the public plans, teachers' superannuation, superannuation in the public service plan?

Hon. Mr. Grossman: What about it?

Mr. Peterson: Do you think those should be reviewed every three years or every year? Has your department got an opinion on that?

Mr. Lawlor: You better leave us alone. That is the only thing that keeps the government alive.

Hon. Mr. Grossman: I am sorry, that is not a subject of the Pension Commission. Those plans are not properly subject to this program.

Mr. Peterson: But in fairness, I think it very intimately relates. I do not think the time has passed when you can dissociate private and public plans. One of the things we are finding is that public plans are setting the pace for private plans. The private plans are being increasingly obliged to compete, and although I understand it is not exactly under your bailiwick, I am interested if you have any reactions.

Hon. Mr. Grossman: When the minister responsible responds—I think it is the Treasurer (Mr. McKeough) who brings that matter to cabinet—I will surely engage in a dialogue at that particular time on the subject. But it is just not properly the subject matter of this vote in my estimates; I am sorry, it just isn't.

Mr. Peterson: You are a very capable young minister and you know more than is just encompassed by your own particular ministry, I would assume. I am trying to engage in a dialogue on a subject of great concern. I just want to know if you have any reactions to it.

Hon. Mr. Grossman: I can only tell you that the day-to-day administration of the private plans is the subject matter of this vote, not the public plans. The fact that it is a matter of great public concern is something I share, and indeed commented on at committee stage long before you raised it here today. I am talking about a year or a year and a half ago. It is a matter of great public concern and an important, serious problem, but that does not mean it is appropriate to discuss it, either in my estimates or under this vote, I am sorry. I can give you lots of other matters which are.

Mr. Peterson: What are the issues, then, pertaining to your own ministry that you feel will have some kind of resolution as a function of the performance of the royal commission into pensions; what are you looking for?

Hon. Mr. Grossman: I take it the member is asking for the terms of reference of the royal commission on pensions. Is that another way to ask your question?

Mr. Peterson: That royal commission obviously takes in more ministries than just your own. It is dealing with private and public sector plans, the whole financing thereof; as well as indexing and various other issues. I assume that since you have decided today to respond only to areas in the private sector, I am interested in knowing what kind of questions you see being resolved by that commission? Has your ministry made any submission to that royal commission?

Hon. Mr. Grossman: I know the member will recall that Ms. Donna Haley, who is the chairman of our Pension Commission, also happens to be the chairman of the royal commission on pensions. I know you've just forgotten that, but if you think about it, you'll remember that she may be able to provide more than all the input required from our ministry into the royal commission on pensions. That is precisely why she is performing that role for us; so all the input necessary is there.

Mr. Peterson: You're saying that the chief commissioner of the inquiry is going to take your position to that royal commission, is that what you're saying?

Hon. Mr. Grossman: Obviously—

Mr. Peterson: That's like appointing Roy McMurtry to look into the Ontario Provincial Police.

Mr. Chairman: Order, please; I recognize the minister.

Hon. Mr. Grossman: Also, to confirm—after you repeated the question—to confirm what I think your question was—what are the terms of reference of the royal commission on the status of pensions?—I'll read them to you.

One, study the impact on the economy of different systems of financing retirement pension plans—

Mr. Peterson: On a point of order, Mr. Chairman—

Mr. Chairman: Order.

Mr. Peterson: —I am concerned about—

Mr. Chairman: Order.

Mr. Lewis: Well he said on a point of order, Mr. Chairman.

Mr. Chairman: A point of order? What's your point of order?

Mr. Peterson: I had a point of order, but I forgot it, Mr. Chairman.

However, I want to know from the minister since obviously this affects more than his ministry, and we've established that the minister is not prepared to discuss those issues that come under the Ministry of Treasury, what I want is to have the minister itemize for me the concerns that he has. He has already said that his ministry will not be putting a fixed, formal position to this royal commission. I want to know what, in the minister's mind, in his judgement, are the kinds of issues that are going to be resolved.

Mr. Conway: That did it.

Hon. Mr. Grossman: I can't do any better than suggest to the member that the concerns of the government at large, certainly my ministry, but the concerns of the government at large are reflected, obviously, in the terms of reference of the royal commission on pensions. I couldn't be more definitive than to refer the member to the terms of reference of the royal commission on pensions. The member asked me what the concerns of my ministry are; obviously we appointed the royal commission to deal with the concerns of our ministry.

I'm not trying to be evasive. I couldn't draw up a more complete list than is contained in the terms of reference which says to the royal commission: Here are our concerns, and enumerates them. We invite them to consider them and bring them back to our ministry. I know the member will understand that the process involves them dealing with our concerns, reporting back to us on certain

recommendations, and at that stage debate will occur on the floor of the Assembly; but those are our concerns, they are contained in the terms of reference.

Mr. Peterson: I guess I was just looking for some revelation, some glimmering of understanding of the subject from you, and I haven't seen that yet.

The scope and the nature of this problem is probably, to put it in context and to quote the chairman of the Ontario Economic Council, is probably more serious than the energy question in terms of the financial impact on this community, and indeed the entire country. I would like to see more attention, I'd like to see more concern about this in the press. I'd like to see more attention applied to it by the ministries, this minister's as well as the Treasurer's. We have to discuss the Treasurer's problems at another time, I fully respect that fact, but I would suggest that the minister should consider very seriously his ministry making an official representation to this commission. I don't think it's good enough that the minister has appointed an insider to run this commission, or to be chief inquiry officer. The minister should have some very strong views on the subject, because the whole area of security of retirement income is one that's going to impact very seriously.

I respectfully submit to the minister that if a major private pension plan went bankrupt—which is not impossible, there are certainly a considerable number in the United States that are in very serious trouble—the minister would have to very seriously consider getting involved to protect those members of the fund, particularly since the minister is charged with jurisdiction over the solvency thereof. As we're getting more pressure for indexing, earlier retirement benefits and that kind of thing, I think you should be developing a strategy of your own. I would like to see you with an independent position that you could take to this public inquiry, because they're going to have substantially more pressure on them than just the ones you could bring to bear.

Hon. Mr. Grossman: With respect, I know the member wants to express, and has expressed, his very great concern over the situation we find ourselves in with private pension plans.

The member for Lakeshore brought it up and pointed out, in his words, the catastrophic nature of the problem. I confirmed the government's agreement with the nature and seriousness of the problem. The member

succeeded in confirming his concern about the problem.

I can only tell you the government—and I want to be partisan about it—long before these concerns were expressed by the member opposite, appointed the royal commission and asked that it report at the earliest possible date on this very complex problem.

As well, rather than going outside and getting someone who would have to have Donna Haley, one of our resident experts, in as a witness to talk about the problems being experienced in the field and the experience of our Pension Commission; instead, Donna Haley, who has been dealing with it on a day-to-day basis in our ministry—no more knowledgeable person, other than perhaps Mr. Bentley of the Pension Commission could be in that position—is there performing that function. The appointment of an insider—I'm not sure in which context the member was using that word—will make the work go more swiftly and provide a route for all the knowledge and expertise of my ministry to flow into the effort at solution of that particular problem.

The member should appreciate that the Pension Commission is in my ministry, as are a lot of other things. That doesn't mean input from this ministry any more than the Ministries of Energy or Northern Affairs or Natural Resources, is going to be of any more special concern or enlightenment than the information I can glean from, learn from and deal with through the Pension Commission.

The member thinks it will be instructive for me to sit down with the Pension Commission—the very people, one of whom at least is looking after and heading up the royal commission on pensions—and deal with the problems; get involvement, expertise, policy advice and direction, take it through cabinet, follow the ordinary governmental route so as to emphasize, for political purposes, the concern I may have as a minister; and then go back there and make a submission to the commission. I suggest to you that is a perfect Catch-22 situation.

We set up a royal commission to deal with the concerns and make certain recommendations on the basis of every bit of expertise we can possibly provide for that commission, including our own staff and people. When they come back, reporting on the concerns we express and acknowledge, at that stage you will see all the leadership possible, not only by me but by those ministers who are more directly responsible for public pensions in this province.

I don't want to leave any impression that we do not understand the seriousness or complexity of the problem, or have failed to express our concern about the problem. Our concern speaks for itself. It is right there on the record. We've expressed it, and we're not going to get into a political manoeuvring game so we will look like we're concerned.

I'm quite prepared to let the record stand for itself; our concern is there. We're not going to juggle around and make it look like we're jumping ahead of the game; we're not going to jump ahead. It's there; it's happening. We understand the nature and seriousness of the problem, and we'll be in a position to deal with it come the middle or end of next year.

It's at that stage the member can stand up and show us his intimate knowledge of pensions and make his contribution to the process. I can assure the member that we'll listen to what he says, as we will the member for Lakeshore and any other members of the Assembly who have a valid and important concern in the area of pensions. I think he'll be in a better position to comment on it, as will all members of the Assembly, when the royal commission comes back with its expertise and is able to cover in complete detail all the fields of pension concern that you've expressed.

[5:45]

Mr. B. Newman: I wanted to raise the issue of pensions, also, Mr. Chairman. May I, at the outset, say that I discussed this several years ago with Mr. Bentley, and I found him extremely co-operative. He replied to everything I asked of him.

I was just wondering if the Pension Commission looks into private pension funds when it comes into labour negotiations. Quite often you will find that pensions are part of the negotiating process and the end result is that pensions may be negotiated to a little greater degree than there are assets in the corporation.

The reason I bring this up is Auto Specialties, back in the city of Windsor, did provide fairly decent pensions to their employees. In the process of negotiations the pensions were substantially increased, but as soon as the pensions were increased, or some period of time after the increase in pensions, Auto Specialties folded up. The retired employees of that company had their pensions reduced from about \$150 to approximately \$50; they received approximately one-third. Is there some protection so that a similar type of experience does not happen to others in the

process of negotiating salary and pension increases?

Hon. Mr. Grossman: The law requires that any pension plan which has been the subject matter of negotiation be filed immediately thereafter with the Pension Commission, which then looks at the cost increase, and all the appropriate actuarial figures and assumptions, to make sure that it will still be a viable fund after the renegotiation, subject to all the criteria I referred to earlier. Specifically the answer to your question is yes. Immediately after that renegotiation there must be a filing with the commission and the commission then must satisfy itself as to the continued long-term viability of the fund.

Mr. B. Newman: Then the reason the experience was not favourable in the case of Auto Specialties is that there was no such program available or this wasn't done in their instance; is that right?

Hon. Mr. Grossman: In simple terms, the answer is yes, you are right.

Mr. B. Newman: Can an industrial employee retire after 30 years? You will notice that in the auto industry they have the program "30 and out;" and also "35 and out." I can recall at one time being told that they could not have this "30 and out" because of some federal legislation.

Hon. Mr. Grossman: If the plan so provides, they can now. The information you had, I am told, was correct; but it has been changed, now they can.

Mr. B. Newman: So they can negotiate, actually, any age providing the plan is actuarially sound; or is the minimum limited to 30 years and out?

Hon. Mr. Grossman: Presently it is 30 and out with the Department of National Revenue.

Mr. Williams: I want to pursue a matter I was discussing with you earlier, pointing out the powers the commission had either to reject a pension plan proposal or cancel an existing certificate for a pension plan. I had asked you to what extent this has been a problem with the commission and you had indicated that it appeared gentle persuasion had been sufficient to resolve any of these problems. I am wondering if you could perhaps add a greater degree of finality to the point by indicating to me whether in fact in the past 24-month period any formal notices of objection have been filed under section 26 of the Act dealing with these two matters.

If so, could you identify the nature of the objections filed and the disposition of same? Upon answering that, I then have a new question I would like to go to. Perhaps I

will pose that to you now before I relinquish my spot here in the speaking order. The question is with regard to the general content of the material in this vote. It is noted, of course, the major part of the responsibility of the commission is to deal under the inter-provincial and federal-provincial working agreements as regards portability and other features of plans in other jurisdictions.

I presume the other provinces all have their own comparative legislation—at least public pension plans which have portable features and are the subject matter of these interprovincial relations; but if that is the case, why is it then, a number of the provinces are noticeably missing from the list of provincial statutes that are part of the inter-provincial working agreements on pension plans? I notice in particular there is no reference to the province of British Columbia and three of the Maritime provinces. Nova Scotia appears to be the exception, coming into the plan in the immediate future according to the vote notes we have before us. Perhaps you could enlighten us on that observation, Mr. Minister.

Hon. Mr. Grossman: The answer to the first part of your question is we haven't in the last 24 months needed to utilize the section of the Act to which you are referring. The answer to the second part of your question is some of the other provinces just aren't as enlightened as we are in this and other jurisdictions with regard to pensions, and they haven't legislated in the portability to which you are referring.

Mr. Williams: Do those provinces in fact have pension benefits legislation in existence, but lack the portability features that would justify an interprovincial agreement?

Hon. Mr. Grossman: No legislation.

Mr. Williams: Does that relate to the provinces I named to you as being excluded from the list of Acts mentioned?

Hon. Mr. Grossman: That's correct; it does.

Mr. G. Taylor: Mr. Minister, are the investment restrictions on benefit plans working? Can we give assurance they will be funded to the best of the restrictions on the benefit?

Hon. Mr. Grossman: Generally speaking, yes, subject to some of the concerns we expressed earlier. So far the criterion seems to be working fairly well. The provisions in the Act, the supervision, and review conducted by the Pension Commission, seem to have

done the job and seem to be working reasonably well at the present time.

Mr. G. Taylor: Mr. Minister, again on the subject of pensions, when the Haley committee comes in, will you be looking at those reports to make sure the pension plans your ministry administrators will be sound in accordance with the recommendations of that committee?

Hon. Mr. Grossman: My staff comments we will have no choice; but of course we will be doing that in the context of what I said earlier. The House can be assured I will be dealing with the report coming in May very expeditiously. It will be our summer activity in the ministry, although it is going to be a difficult problem even after the report comes in.

I suspect there will be no easy solutions, but at least the report will contain the very best solutions and alternatives available, I am convinced, anywhere. Yes, we will be digging into it very expeditiously over the summer period, presuming the report arrives in May, and I am told it will.

Mr. G. Taylor: Mr. Minister, in the estimates book you comment that one of your objectives is to improve the quality and administration of pension plans. When you are looking at the quality of pension plans, does that mean their funding or their service to the people they are intended to serve?

I have many civil servants in the Penetanguishene area who are continually complaining about their pensions, saying they do not suit the needs of the people at this present time in light of the increase in the cost of living. Many of them are ex-civil servants. Naturally when the pension increases a percentage rate based on their best five years, or whatever the condition is on their pensionability, it does not go up in comparison to the present pay rate on the same job, which has had enormous increases in pay in the last few years. Those people retired some years back of course, but the point is the same job is being carried out today by a person who retires at pension rates based on today's salaries. Will your ministry be looking into the quality of the pension plan as it applies to people who are ex-civil servants in the Penetanguishene area?

Hon. Mr. Grossman: I would like to be able to say that we could but our mandate is to make sure the funds are alive, well and kicking; that they are properly funded and in existence when it comes time to pay the money to the various beneficiaries.

The problem the member outlines is of course a problem that's a common one. It's common throughout industry, and in some places in government. It is, however, a concern of the Pension Commission only to make sure that the funds are there when the time comes to meet those liabilities to pay the funds out, and that the pension funds are administered well. As conditions change, indeed as the benefits go up in some cases, it presents precisely the problem referred to by the member for Windsor-Walkerville (Mr. B. Newman), in terms of increasing the benefits without making sure the funding is there. When that occurs, we of course play a role to make sure that at least there'll be a fund there to pay the increased benefits.

Mr. Peterson: What is your reaction, the Pension Commission's reaction to indexed plans? Do you have any sort of feeling one way or the other?

Hon. Mr. Grossman: We're concerned that they be funded, and funded at least on a pay-as-you-go basis, for retired people too.

Mr. Peterson: You don't have this position, fully-funded versus pay-as-you-go? Pay-as-you-go assumes that the company's going to be around forever. Is that what you're telling me?

Hon. Mr. Grossman: The commission policy is that all pensions must be pre-funded, except for those which are required for escalated benefits for already retired persons, which are pay-as-you-go.

Mr. Peterson: You used the word "pre-funded." Is that the same as fully-funded?

Hon. Mr. Grossman: No.

Mr. Peterson: Just explain that to me.

Hon. Mr. Grossman: Pre-funded would require that there must be a cash flow sufficient to amortize that liability over 15 years, no more, that would be pre-funded.

Mr. Peterson: The perpetual operation of that company? That assumes that company, or whoever, is going to be in existence for another 15 years. If they go under it doesn't necessarily mean that the fund will be financially viable. Are you making any moves towards a fully-funded kind of proposition for private plans?

Hon. Mr. Grossman: Yes, that's what we're aiming for. It's pretty tough to do, as was pointed out.

Mr. Peterson: That philosophy doesn't necessarily square with the public plan—for example teachers' superannuation, in which the contribution is now something like 21 per cent, one-fifth of the total salary cost. How do you justify those two widely divergent views?

Hon. Mr. Grossman: The answer is yes, there is a difference there. Some plans are funded in the fashion we've just talked about. The teachers' superannuation fund follows the same principle.

Item 2 agreed to.

The House recessed at 6 p.m.

APPENDIX

(See page 2588)

The answer to a question was tabled as follows:

48. Mr. Ziemba—Inquiry of the ministry: Since Canada's manufacturing deficit exceeds \$10 billion, and since Ontario is the key manufacturing province, will the Treasurer table all his correspondence from and to Ontario manufacturers on the issue of tariffs since his pronouncements on tariff reductions at the Ottawa meeting of finance ministers? [Tabled November 21, 1977.]

Answer by the Treasurer (Mr. McKeough):

The responsibility for tariff matters and the conveyance of the government's position on the latest round of international talks in Geneva under the GATT lies with the Ministry of Industry and Tourism. The Ministry of Treasury, Economics and Intergovernmental Affairs has had very little correspondence

with manufacturers on the subject of tariffs, and what there was on matters of tariff detail cannot be tabled since it deals with the internal operations of companies. These companies provide the Ministry of Treasury and Economics with that information on trust, and to reveal that information would constitute a breach of legitimate corporate confidentiality of financial and operating records. Any correspondence of a more general nature does not go beyond a restatement of what the Treasurer has already outlined in several public statements, including the last provincial budget, the statement to the last meeting of the finance ministers, a speech to the Conference Board in Montreal on November 16, 1977, and a subsequent speech to the Society of Management Accountants of Ontario on November 24, 1977.

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First Session, 31st Parliament

Monday, December 5, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

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LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 5, 1977

The House resumed at 8 p.m.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS (continued)

On vote 1402, commercial standards program; item 3, financial institutions:

Mr. Chairman: Are there any questions or comments on item 3?

Mr. Davison: I have a couple of matters I would like to raise under this vote. One of the items that caused me some concern was the recent announcement of the AIB decisions in regard to insurance companies and excess profits, particularly the ruling on Allstate Insurance. I don't know if this is happening in the other insurance companies. Perhaps the minister could address himself to that. What happened in the Allstate example is that after the AIB said its profits were excessive and the excess would have to be returned to the consumer, the AIB sat down with Allstate and worked out a deal. Rather than giving the money back to the people who had purchased Allstate policies, what they would do is reduce premiums for renewals. In other words, for the consumer to get back the excess amounts paid to Allstate Insurance Company, he or she had to renew the policy with this insurance company, which was in its own small way ripping off the consumers.

I wonder if you can tell me if you have looked into this matter and if there are other insurance companies involved in this same little way of repaying back their policyholders; and what, if anything, you think your ministry should be doing about it.

Mr. Lewis: I think I might cross the floor.

Hon. Mr. Grossman: We have no room for you.

Mr. Lewis: This is the first time in my memory in 14 years that there has not been even one single Tory back-bencher to provide support in the matter of a minister's estimates. Not one!

Hon. Mr. Grossman: It shows you the confidence they have.

Mr. Lewis: You have achieved what your

father could never do in this House, complete and absolute desertion.

Mr. Chairman: Order.

Hon. Mr. Grossman: Or total confidence, one or the other.

Mr. Lewis: Good grief. You are an amazing fellow.

Hon. Mr. Grossman: We are allocating our troops where they are needed. Proper allocation of resources is the secret of our success. It is like the restraint program.

Mr. Lewis: Watch them come in now. Wait until that hand reaches five after eight and see them sneaking furtively in through the back door.

Hon. Mr. Grossman: I would settle for them coming in any way; I am not particular.

The answer to the member for Hamilton Centre's question is that it is a matter for the AIB. That is the system they recommended, and in fact put in under their authority to look after the problem. It was not arranged by our ministry, but yes, you have to renew in order to get the rebate. There is nothing my people can do about the situation.

Mr. Kerrio: The member for Oriole (Mr. Williams) is coming in now.

Mr. Lewis: I said a member, not a facsimile.

Mr. Kerrio: Careful, he just doubled the numbers on that side of the House.

Mr. Davison: With the greatest of respect, my understanding—and I am quite sure I am right—is that it was Allstate's solution and what the AIB did was concur. It said: "Yes, Allstate, it would cause you a bit of trouble to get the money back into the hands of the consumers you have overcharged. For your own convenience as a company we are going to say it is okay. It will meet our requirements if you give the money back only on renewals."

What I am asking you as the minister in charge of consumer protection is: Is this not an area where consumers in Ontario have been ripped off by auto insurance companies; I suspect in the plural, but I don't know so I won't say that.

I would ask you to investigate if that's the same route being taken by other auto insurance companies. Don't you think that you, sir, have some responsibility on behalf of consumers in Ontario to make sure the consumers that have been overcharged are the consumers who get their money back and we don't allow the precedent to be set that consumers have to renew a policy in order to get back excess moneys taken in by the insurance company?

Hon. Mr. Grossman: I'm informed there's no question it was a proposal put forward by Allstate to solve the problem. The AIB did, admittedly, accept a proposal put out by Allstate, which I suppose of itself doesn't make it wrong. One of the arguments, I'm told, put forward by Allstate, which seems to be fairly reasonable, is that if they were to pay back immediately, \$15 million I think the figure was, it would affect their capacity to write new business.

I know the member is aware of the capacity problem. Ability to write business, especially new business, depends upon liquidity of the company and how it measures up to the ratios set out by my own people. Had they paid out \$15 million, in simple terms, it would have drastically affected their ability to write new business in the following year. That's not a bad argument. In any event, it was an argument which satisfied the AIB; and my people were aware of the proposal and frankly did not object to it.

Mr. Davison: I don't understand why your ministry wouldn't raise some objection on behalf of Ontario consumers. We're not talking about a paltry sum, we're talking about a fairly substantial amount of money. I understand the sensitivity the Minister of Consumer and Commercial—stress the Commercial—Relations has, and perhaps that harkens back to the point I was making earlier about the difficulty you might be having with the two responsibilities. One responsibility you seem to have is toward the insurance company to make sure they have that \$15 million so they have the capacity to write new policy, and Allstate has the capacity to continue to do whatever it is they do so well, that's one side of the coin; the other side of the coin is that consumers in Ontario have paid too much money through premiums to Allstate, and the AIB has, in fact, ordered a roll-back.

The AIB doesn't descend on companies with the kind of harshness and regularity with which it usually does on workers. It doesn't usually have the same kind of impact and we don't see it with the same kind of frequency. They're not quite as willing to jump on them as they are on workers. If

they've made a decision in this case, it's probably, if anything, not strong enough, by my experience and view of the AIB's program.

We now have this crazy situation where a consumer has been, in essence, ripped off by an insurance company, and your ministry is saying it's okay for that insurance company not to reimburse that consumer unless that consumer renews his policy. Maybe it's just the problem of having to be on both sides of the issue in terms of understanding the consumer problem and understanding the problem of the corporation. You do absolutely nothing about it except sit back and say we're aware of the problem.

The fact is, though, I don't see how you can justify that to the consumers who don't want to renew their policies with Allstate. Surely those consumers have a right to get back that money. You should re-examine your position, because there's a very strong case to be put for those consumers being compensated. You have a fairly clear responsibility to the consumers in this particular matter.

Hon. Mr. Grossman: The member's interpretation of our concern is wrong. In fact, Allstate Insurance was going to be out the \$15 million anyway.

It was going to be out the \$15 million, whether it was done in this way or by way of a direct payment back to the policyholders who had paid the money. So in terms of the financial position of Allstate, it mattered very little whether they were going to pay it back by way of cheques or pay it back by way of taking in less money on renewals in terms of what they were charging for those renewals. They were, and are, out the \$15 million.

Our ministry's concern was who is going to suffer as a result of that \$15 million not being available and disappearing out of the insurance pool. If it had been done the first way by way of paying it out immediately in this year to existing policyholders, there's no question that their ability to service the consumers at large over the province would have been impaired. There's no secret, either, that Allstate happens to be one of those companies offering cheaper rates than most companies, therefore they're servicing a special part of the market that most needs the availability of cheaper insurance. I can think of a lot of my constituents, for example, in that regard.

Our choice was to have Allstate out the \$15 million and be able to write fewer policies this year. This would have affected the availability of insurance at the very time at

which we are pushing and pushing to see that more and more people have insurance rather than paying \$100 into the claims fund. We could have it paid back to the number of people who are already insured with Allstate, and who in fact had paid the higher premium. On balance, our ministry resolved that quandary in favour of the consumers at large by saying it was better to retain the ability there to continue to provide cheaper insurance to more people throughout the province, rather than to benefit this group of people.

I think it is also important to remember that Allstate—I think it's no secret—Allstate hardly needed the advantage of being able to pay it back by this route in order to hold its position in the market. It hardly needed this as a hook to hold on to its current business. Far from it, its track record over the last several years has been pretty good.

I think it's fair to say that it was more important that we make sure that the availability of insurance be protected, particularly to a lower-range carrier in terms of the cost of their insurance, rather than making it look like the AIB had been more punitive by forcing Allstate Insurance to write out cheques in the amount of \$15 million immediately.

With regard to the member's other comments, I want to say explicitly I'm far from being here in a position to defend, or desirous of defending, AIB policy in terms of who they treated more harshly throughout the program. That is not only someone else's problem, it is some other forum's problem. I'm not going to get at all into a defence of the decisions they have made. Whether \$15 million was the right amount or not, that is up to the AIB; whether they've chosen the most punitive route or not, that is up to the AIB. As far as my ministry is concerned, we want the route that will least penalize consumers at large over this province while seeing that the appropriate moneys get back out into the economy and out of Allstate's pockets. We think the route selected is the most efficient and fairest one.

Mr. Warner: That's an excellent argument for government car insurance.

Hon. Mr. Grossman: You can make that argument.

Mr. Davison: That was a very useful interjection from the member for Scarborough-Ellesmere.

If anyone is to suffer in this whole crazy episode, it shouldn't be the consumer in terms of insurance at large in Ontario; and it shouldn't certainly be the poor consumer

who bought the insurance in the first place; it should be the people who made the excess profit. So we shouldn't be in a position, as you seem to view the argument through what I can only consider to be faulty logic, of determining which group of consumers will suffer. If there is any talk of punitive action, it's in terms of the people who made the profit and not in terms of any group of consumers in Ontario.

I am not addicted to Allstate TV commercials, or their radio and magazine ads; and I have no knowledge about how competitive or non-competitive Allstate's rates may be. One can only judge the quality of their service from constituents that come to my office to raise with me a matter in regards to that insurance company. Quite frankly, I haven't found the quality of their service to be anything better than average or run-of-the-mill quality in terms of auto insurance.

[8:15]

Finally, I know insurance companies don't like or frankly won't allow people to pay their insurance on an instalment basis, except in unusual cases or on a six-month insurance contract. However, it might be those consumers will be ripped off in this episode by not being able to get back the excess money they have paid. They would have been very happy to have accepted the difference back from Allstate over a considerable number of months, perhaps even interest-free seeing as they claim to get absolutely nothing out of it anyway.

I think the ministry has made an error. I think this is a case where the ministry quite clearly could have stepped in and acted to protect consumers who are, as it seems, going to be ripped off and who are going to have no recourse. They will simply go without the money unless they renew a policy with Allstate. That's a difference of opinion, quite frankly; I guess perhaps we will have to leave it at that.

Another issue I would like to raise with you, if I might, is the issue of the amount of insurance and coverage set on housing insurance. There has been a lot of talk lately about the necessity to have insurance companies to set amounts of coverage, and the insistence of mortgage lenders on amounts of coverage to cover the total price or total real estate value of a property.

The concern that's been raised is, on the face of it, an interesting one. That is, why should somebody, when buying insurance on their home, also buy insurance on the land on which the house is sitting? When you buy insurance on the total price that's in effect

what you are doing I suspect this is an especially important thing to consumers in an area like mine, where in many cases the land is more valuable than the house. In older parts of Hamilton you often run into a situation where there is a house that is not worth a great deal, maybe only \$9,000 to \$20,000, and a piece of property that is worth \$25,000. Perhaps it's not a problem; but I would like to hear from you if there is some reason for it. Why have we permitted these mortgage companies to insist home owners buy in many cases twice as much coverage as their house is worth?

Mr. Breithaupt: Well of course they don't, they only have to insure the mortgage.

Hon. Mr. Grossman: The answer as provided by the chairman of the select committee on company law is of course they don't, the simple fact is they don't. You will find in most instances, in fact, that insurance is bought only up to the replacement value of the residence. I know in my own experience when renewals come along, a careful home owner will be cognizant of a rise in property values. He or she knows it is going to cost more to replace his or her home and they increase the value. A good insurance agent will do the same every time the renewal comes up. Be it three years or whatever, he will check the assessed value or the real value in terms of the marketability of houses on that block or in that area.

I can't imagine a case, and I certainly don't know of any cases, where a property has been insured for the full purchase price of the property. Obviously the land is not insured; such a thing is just not within my experience and I don't think my people here have any knowledge of any examples brought to their attention where 100 per cent of the purchase price of land and building has been required by a mortgage company, nor taken out.

I will say I do recall some instances, in my own knowledge, where for example a home owner may have decided to insure his home to, say 70 per cent of what he paid for the entire property, figuring the land itself was worth 30 per cent. Occasionally, then, he may end up mortgaging for 75 per cent and the mortgage company will come along and say: "Well, I want you to insure to the value of the mortgage." What you find however, is when the mortgage application is put in a revaluation of the house occurs and the mortgage company gives probably 75 per cent of the new true value, the market value as a total property. The insurance is adjusted upward. It would be very unusual for you to find the mortgage company, or anyone

else, demanding insurance for more than the actual bricks and mortar value, the replacement value of the building.

If you have any instances in which that is the case, you ought to send them along.

Mr. Davison: What I'll do is dig up a few for you. It's quite common in Hamilton for those of us who don't have a great deal of money to get pretty high ratio financing on homes, especially if we can get into one of the government programs. I'm convinced there are a large number of people in Hamilton who have their homes over-insured at the insistence of lending institutions. Perhaps it might take up less time if I give you some examples privately and we can deal with it that way.

Another concern I have in regard to mortgage companies is that it is rumoured that in recent months there has been a trend to an increase in default rates on mortgages, although it is difficult to get exact figures. That is causing me some concern, especially since I live in an area where unemployment is really starting to hit home, really starting to be a problem in a city where people who are used to having a job all of a sudden find themselves, in many cases, out of work.

Has the ministry been monitoring this trend; have they detected a substantial increase? If so, are you concerned about it?

Hon. Mr. Grossman: No, we have no knowledge of a marked increase in that practice. I am told there are now four companies offering that type of insurance.

Mr. Davison: I'm sorry, I wasn't talking about default insurance I didn't know there was such a thing. The point I was trying to raise in my own inarticulate fashion was the increase in defaults on mortgages and therefore the increase in foreclosures on mortgages. Does the ministry monitor this situation and if so, have you detected such a trend, a doubling in recent months of defaults and foreclosures on mortgages? Are you concerned about that?

Hon. Mr. Grossman: Yes, we have noticed a marked increase, not surprisingly, in the number of defaults on mortgages and subsequent foreclosures. My people have instituted discussions with the trust companies, who hold about 72 per cent of all the mortgages involved. This is also under this vote. With regard to the current situation, I am sure the concern is there.

Mr. Davison: It's nice to be talking. We seem to do a lot of that in government. Without prejudicing your ministry's discussions with the trust companies and any future discussions with other mortgage lend-

ers, does it appear there may be some positive action taken by your government, or some positive suggestions you may be able to make to the mortgage lenders so we might be able to do something to lessen the impact of the economic situation on these poor people who first have been tossed out of a job and then find themselves in the position of being tossed out of their homes?

Hon. Mr. Grossman: It is obviously of great concern. The trust companies don't like to foreclose; it doesn't do them any good. They don't want houses back, they want mortgage payments. It impairs their ability to expand further their own business, because they do not have money coming in. They suddenly find they have money going out. As you know, no one likes to throw someone out of their home. Even big businesses don't like that.

I would be happy to hear from the member any constructive suggestions he may propose. Our conversations entail, by way of what we may propose the trust companies do, fairness to all the parties involved with regard to getting everyone through this difficult time. We have no magic answers. The loan has been made; it's in default. I'd be pleased to discuss with you any suggestions you might have.

Mr. Davison: I don't have a clue. I have not been privy to the discussions between your ministry—

Hon. Mr. Grossman: There's nothing secret and sensational in them. You can speculate—as can I, I didn't sit in on them—as to the discussions. How many foreclosures have you got? How far in arrears are people before you start to move? Do you see a change in the circumstance? Is it because you over-mortgaged originally? Is it because the market's falling? What steps are you taking?

Those are logical questions. There are no magic solutions proposed by either the trust companies, that don't like to do it, or our people, who don't like to see it happen.

Mr. Lawlor: As the economy falls apart under your Caesarism, you just might have to consider moratorium legislation.

Hon. Mr. Grossman: If you want to entertain that suggestion, that's one of the alternatives.

Mr. Davison: Perhaps one of the alternatives is to make certain that your cabinet colleagues are aware of the critical situation in terms of the effect the economy is having on home-owners. It might be good if you could spark some cabinet debate on the crucial problem behind this factor—which is

really just pointing us to the crucial problem—the problem of unemployment.

Would it not be possible for you to take these facts before cabinet and say, "Look, Darcy, the economy is in bad shape. Things aren't going very well. We've had a doubling in foreclosures. The economy is really rugged, and it's time we did something in terms of serious massive job creation in Ontario"? Would you not see that as fulfilling your necessary commitment to consumers, to identify a consumer problem which your ministry have not had many ways of doing anything about, but certainly other ministers of the Crown could do something about? Could you not take it to cabinet and say that this indicates the economy is in very bad shape, something has to be done about jobs, and perhaps spark some cabinet debate as to what could be done in terms of a job-creation program?

Hon. Mr. Grossman: I first want to assure the member that the information I get, not only from this branch of my ministry but all the others, as it relates to the economy, is constantly brought to the attention of not only cabinet as a whole but the various cabinet committees I sit on. They're well aware of the information I'm giving you tonight. They've certainly heard it before.

Second, just so you'll have it in perspective, at the present time there is really not a great change reflected from what are commonly known as the good times, in terms of mortgage default. That is for the very obvious reason that the last thing most people let go into arrears are their mortgages, because they know there are pretty severe consequences. So at the moment, while there is some concern and a slight increase, it is nowhere near a marked increase.

As further evidence of that I know you'll appreciate that the condominium legislation I introduced last week was partly due to the fact that while many condominium unit owners let their common expense payments go into arrears, and therefore throw the burden of their financial difficulties on other unit owners, they don't let their mortgages go into arrears. They're electing to shift the burden of bearing their temporary financial problems upon those who have the least available remedy. So the mortgage situation again is nowhere near crisis situation at the present time.

[8:30]

The facts, as they are, show a slight upturn. Those have been brought to the attention of my colleagues. In the long run, if

the situation continues to deteriorate, or the number of defaults accelerates, then we would undertake certain discussions with trust companies and mortgage lenders. For example, the moratorium would be the more drastic action. There would be some discussions about the possibilities of renegotiating some of the terms of mortgages to provide a longer payout period, perhaps amortize them over a longer period, or move to interest-only on the mortgages for a period of months. Those are not only proposals which I would bring to the attention of the mortgage companies at that particular time. In fact, it is a practice that is ordinarily carried on by mortgage companies at all times—good times or bad times. They just hate to foreclose on homes. Mostly they would get involved in renegotiation if they can see any hope whatsoever, for, say, a period of temporary unemployment to become resolved.

Those are all alternatives we would discuss more and more as the situation deteriorates. We hope it won't deteriorate. It is by no means at a serious state just yet.

Mr. Davison: My understanding was that the figures in Toronto indicated a 100 per cent increase in recent months in the rate of foreclosure. I would suspect that doubling, or 100 per cent increase, is fairly serious. I think the minister makes a good point though, when he says the last thing that people let go are their mortgages, their house payments. It is then very critical that we understand foreclosure rate increases as being a symptom rather than a disease.

The problem is unemployment more than it is a question of people not being able to meet their mortgage commitments. I would think the least the minister could do on behalf of consumers in Ontario is to make his colleagues in cabinet, who at times seem not to be aware of the seriousness of the economic condition in Ontario, aware of this symptom of the disease—to see this particular problem as evidence of the need for job creation programs.

If the minister is not wanting to put that before the cabinet so be it, but I think it is another case of an area where the minister could do something positive and could bring that problem to cabinet as an example.

There are three other issues I want to raise under this vote. One is access to credit by women in Ontario. First, could the minister tell me if a credit-giving institution such as Sears or Eaton's or Woolco or department stores fall in ambit of the financial institutions?

I take it the shaking of the minister's head means no.

Mr. Chairman: I understand this comes under item 6.

Mr. Davison: They are credit lending institutions but they are not financial institutions.

Mr. Chairman: It comes under business practices.

Mr. Davison: I would make the point they are people who give credit. Therefore, the ministry should have some say in their credit policies.

However, be that as it may, I understand that over the past year or so, or the past months anyway, the ministry has been to some extent patting itself on the back about the opening up of credit to women. I suspect to some extent that is justified. It is a bit easier now for women to gain access to credit.

Are you aware of comments made by Christine Lawrence, who is the manager of the Metro Toronto Women's Credit Union, when she says that married women are very poor risks? That is evidenced by the fact that they are generally considered bad risks by big money lenders. When they apply for a loan they are required to have a husband as a co-signer. What does the minister think about this practice of lending institutions requiring, in many cases, married women to have their husbands co-sign a loan, as opposed to single women who of course don't have a husband to co-sign a loan and in most cases don't require a co-signer?

Hon. Mr. Grossman: I have tried to be as co-operative as possible in including all the jumping around we have done on the early votes, Mr. Chairman. I have staff with me who can assist me in dealing with this. I don't pretend to have all the answers.

In fact, I'm sitting here trying to assist the member by going through my information which I have under vote 1402, item 6, where it belongs. I'd be happy to deal with it then. We'll get to it in order. That will make it easier for me to give you more information.

Mr. Davison: I'm sorry. I thought under financial institutions we could talk about things like access to credit.

Hon. Mr. Grossman: If you want to talk about it, if you'll just give me a few minutes, I'll dig through the later stuff and get it for you. I don't want you to think I'm being difficult. I'd be happy to do it now. You'll just have to wait a minute. It's your choice.

Mr. Davison: I'm interested in making things easier for the minister.

Something that has troubled me about financial institutions is a past practice of insurance companies which I sure as the devil hope is no longer continuing. A woman came into my office two months ago with an insurance policy on which she had over a number of years paid premiums far in excess of the value of the policy. We all know that insurance companies all along the way make money by lending out that money, so there's no telling how much of a profit the insurance company had made.

I take it that now when an agent is sitting down with an individual and looking at the kinds of contracts that may be written, we require insurance companies to explain to the individual that it's quite possible they could be paying many times more or a substantial number of dollars more than the contract is worth—unless we've done something to stop that situation, which I don't believe we have.

Hon. Mr. Grossman: You're going to have to develop your question a little bit more because we couldn't get the essence of your question.

Mr. Davison: A woman who came into my office had paid \$1,719 for a contract that was worth \$1,000. The insurance company got \$619.40 more than the contract was worth, plus all along they made a profit. They still want her to keep paying her payments. If she lives much longer, the company will have doubled or tripled or whatever the amount of money. At the time, she wasn't informed of that. She was led to believe by the insurers that when she had paid up to the amount, if she lived that long, she would then no longer have to pay premiums. But she still does have to pay premiums.

I don't think we've changed that. I think it's still possible to write such an insurance contract in Ontario. Have we made it necessary for insurance companies to explain at the time a contract is signed that it's quite possible one can pay double, for example, in premiums what the insurance is worth?

Hon. Mr. Grossman: From the details you've given us, it would appear you're referring to the cash surrender value in the first year of the contract, the first year being the year in which the agent's commission is taken out, so that you could conceivably end up with a situation such as you described, where the cash surrender value, which is disclosed in the contract, is less than the figure paid in the first year.

If you send over the details of that particular contract, if you haven't already written the

ministry, then we'll be able to find out more details about the contract, see if there's been a specific violation and immediately correct it if that's the case.

Mr. Davison: I'm sorry. I didn't give you details of the situation after your previous reprimand. I've already been in contact with the excellent officials of your office and have straightened out that the insurance company under the law could quite properly charge her what they did charge her and that in the early days when she wrote the contract there was no law against insurance company agents, who were perhaps a bit sharper than they are now, dealing with her as they had. What I am simply asking, because I have solved this case as much as it can be resolved, do we now have controls over the insurance industry that will prevent the kind of situation that occurred in that case? Must they now fully disclose all possible details and aspects of the contract?

Hon. Mr. Grossman: I presume the answer you got from my people was that all the material and facts were disclosed because you've reported to me they were operating within the law.

I must say my people, who are as experienced as you can get in the field, have not, from the information you've given us just over the floor tonight, been able to identify specifically the problem you're dealing with. If you want to send over your file, even while our discussions continue on other matters, and even if we get to other votes, then they can have a look at the file. I'd be happy to tell you what they say on the basis of the information you send over. They really can't identify the specific problem you're talking about just from what you've told me. I'd be happy to co-operate. If you send it over, I'll give a full and complete answer within minutes.

Mr. Davison: I don't have a problem with this lady any more. It's already resolved.

Hon. Mr. Grossman: No, but you may have a very valid concern about a practice occurring out there in the marketplace. I would like to know if there is a practice occurring out there which is within the confines of the current law and which you feel causes you some concern. I would like to know if there is something happening out there that is adversely affecting consumers and which you think is unfair. If that's the situation, I'd like to know about it because maybe we'll look at the law. So if you send that over my staff will be able to tell me what the specific problem is and why they're able to do whatever they're doing within the confines of the

law. We'll have a look at it. I'd appreciate having that assistance from you.

Mr. Davison: I will turn my notes into some kind of legible document and transmit them at some early as possible date so we can deal with this issue again, perhaps outside of the estimates. We don't need to dwell on it at great length. Perhaps we can come to a resolution over the next few weeks.

Finally, I think I'm beginning to understand what the Cemeteries Act administration does. Are these the people involved in the incident at the London jail last July? People were involved in digging around the walls and demolishing some walls which was going to lead to the disruption of grave sites. They're the same people who were involved in the problem with native people burial sites in northern Ontario.

I have two questions. First of all, what are they doing under the financial institutions branch of your ministry? Or for that matter, under your ministry?

Second, what steps have been taken to try and resolve the problem with the native people in native burial sites in northern Ontario?

Hon. Mr. Grossman: Okay. They're in financial institutions in my ministry because they are a major activity. The perpetual care funds are a major activity which calls for auditing of the statements, et cetera. They need the same protection we give, in a sense, to pensions. That's what they do in the ministry. They've got to be somewhere so someone with expertise can check and see those funds are going to be there to maintain those burial grounds in perpetuity.

Before continuing, I have to get on the record I now have more colleagues in the House, or at least as many, on my side as on the NDP side. Unbelievably, the Liberals are one ahead of us.

Mr. Reed: As usual. What else is new?

Mr. Davison: You have, unfortunately, more colleagues to draw upon.

Mr. McClellan: He can't count.

Mr. Lewis: Yes, you can't even count. Do you know that? That's a disgrace.

Hon. Mr. Grossman: There's five on my side and five on yours. One isn't in his seat. That doesn't count.

Mr. Chairman: We are on item 3.

Hon. Mr. Grossman: I was here alone and it was all right. I wanted to set the record straight, fair is fair.

Mr. Nixon: Think of all the people reading this part of the record.

Mr. G. Taylor: Or any part.

Mr. Nixon: There will be your daddy. [8:45]

Hon. Mr. Grossman: And Michael's daddy and Stephen's daddy. We have taken the position that such sites are protected by the Cemeteries Act. When these sites are found they can be protected where they are and they should remain there in the same manner as in any other cemetery.

If they must be moved, and there are some instances in which that is the case—indeed it could happen behind the Don jail for that matter—this must be done under the proper supervision, both medical and scientific, carefully and with due respect for the subject matter. In the event the Ministry of Culture and Recreation issues a licence to an archaeologist to remove the burials, then that becomes their responsibility; they have issued that licence. That's our role in the sense of the burial grounds to which you are referring.

Mr. Davison: But, Mr. Minister, it is not so much the problem at the London jail. There are other special problems with native peoples—this is not meant as criticism of your government but as criticism of our culture, we have removed and destroyed so much of their heritage. We have come to the last point where without consultation, or apparently without proper consultation, over the past years in Ontario we have been disturbing native burial sites to which they attach a rather special cultural significance—a significance which our culture does not attach to those sites.

The concern was raised over the past years that it was incumbent on the ministry or the people administering the Cemeteries Act or the people in the Ministry of Culture and Recreation to be very careful and at least have some kind of serious consultation with native people about work on unrecorded native burial sites; I would like to know how the ministries have responded to that. What have you done to make sure we are consulting and working fairly carefully and closely with native people in this regard?

Hon. Mr. Grossman: The practice and procedure followed is to be sure any burial grounds, including those of native people, are given the full protection of the Cemeteries Act and I have said, they should remain where they are found, protected and respected the same as any cemetery.

If they have to be moved, the utmost consultation goes on. We are very, very careful about this. It's a delicate subject which is handled carefully. We make sure the removal, if it does occur, is done with

the understanding and consent of all those people involved and done, as I say, with the proper scientific and medical supervision and, importantly, with all due respect and care for the subjects and the items in question. I want to assure the member all the procedures under the Act are not only in place but very carefully and delicately followed to ensure the utmost dialogue, especially in those areas in which you are concerned.

Mr. Davison: Those procedures have been worked out with the native people of Ontario? They are not procedures that you have worked out just in your ministry?

Hon. Mr. Grossman: Yes, that's it.

Mr. Williams: Mr. Minister, we were speaking earlier about the question of an increasing number of mortgage defaults and the concerns expressed with regard to that accelerating situation. You had started to make comment on the number of mortgage insurance companies in operation, the object of which is to insure the repayment of mortgage loans. You indicated in your response to one of the questions asked there were in fact four such companies operating in Ontario if not throughout Canada as a whole.

I am wondering, Mr. Minister, if you could indicate whether or not your ministry has any way of determining the percentage of real estate mortgage investments in Ontario that are covered by this form of insurance, and whether or not that information is available? Could you indicate to what extent securities have to be maintained by such licensed companies in insuring mortgages? Do they have to have a certain percentage backup reserve of funds to meet their increasing portfolio of mortgages insured? What is the formula that is applied in that regard? While the minister is giving some thought to those questions, I'd like to turn to a related field dealing with the activities that go on under the Loan and Trust Corporations Act.

This is an area in which the activities of the companies that are classified under that Act generate a great amount of capital in the form of real estate mortgages. Loan and trust corporations in particular probably hold the forefront in providing for the investment of foreign capital in our province, foreign capital that comes into this country from many jurisdictions, not only the United States and Japan, but European countries as well.

I am wondering if you could give some indication as to the percentage factor of foreign investments handled by the loan and trust companies as loan correspondents; the relative percentage of moneys that they would administer in the overall flow of mortgage moneys that are invested on an annual basis

in the province. I believe they represent a very significant part of the overall investment portfolio held by companies in Ontario real estate and, therefore, act as a barometer of the economic well-being of the province as far as investment by foreign corporations is concerned. To what extent has the ministry an analytical presentation or résumé on the activities that have been occurring in this field in recent months?

It would be particularly interesting to know whether there has been any marked or significant increase in the amount of foreign investment that has transpired since the amendments to our land speculation tax laws and our land transfer tax laws. I am sure the effect of those laws would have some influence on the amount of foreign investment being made in this province. It may be too soon to get any true indication as to a probable improvement in the amount of foreign investment coming in and being processed through the loan and trust corporations as correspondents for these foreign investors.

On the other hand, you may have some preliminary statistics that would be of information and use to us in getting some idea as to whether in fact there has been an increased confidence in the province of Ontario as a good place to invest money in real estate undertakings.

The other statute that I would like you to comment on briefly, if you would, is the one pertaining again to insurance; I am referring to the Ontario Deposit Insurance Corporation Act in particular. I'm not personally aware to what extent the Act has been put to use in recent times in coming to the aid of depositors in member institutions that are registered under the Ontario Deposit Insurance Corporation Act. I don't know whether there has been any significant call upon the Act since its inception.

Mr. Lawlor: I should hope not.

Mr. Williams: It is a fairly recent form of legislation. I have never heard of any significant call upon the resources of the corporation set up under the Act to assist any of the member institutions which may have found themselves in a financially embarrassing situation. It may be the need for the Act has yet to be proven, although the very fact it's in place is in itself a form of security we can't do without.

Those are two or three matters that have been of some concern to me. Perhaps you could make a comment.

Mr. Lawlor: Don't you realize you are tearing your minister apart and the embarrassment you are causing him? He is a new minister. Take it easy on him.

Mr. Lewis: That's true. That's a pretty devastating critique you're making. Ease up on him.

Mr. Williams: Perhaps you could alleviate some of these concerns in your responses.

Hon. Mr. Grossman: To deal with the questions in reverse order—

Mr. Lawlor: That's a good way to deal with them. How about doing it inside out?

Mr. Lewis: Try putting the verbs at the end of the sentence. There may be a glimmer of comprehension.

Hon. Mr. Grossman: I can't do that. To deal with these things in the reverse order, in any case, the Ontario Deposit Insurance Corporation Act is not operative because for some years now they have all been under the Canada Deposit Insurance Corporation Act. Therefore, those figures and those statistics would only be available from the federal ministry.

With regard to the second question, it's a similar answer because those figures with regard to the amount of American investment would not be available through our loan and trust companies but rather through the Foreign Investment Review Agency, through which most of those dollars must travel. Loan and trust companies do not record, nor are they required to record, the information asked by the member.

On the first matter, mortgage insurance companies are subject to the same criteria for ability to repay, ability to keep in business and their solvency generally as are other insurance companies, which essentially is that twice their premiums must equal their paid-up surplus and that their assets must equal 115 per cent of their liability. Those are two of the major solvency tests. They are the same for those companies as for other companies.

Mr. Williams: Did I understand you to say the Ontario Deposit Insurance Corporation Act is not operative?

Mr. Lawlor: That's right, because the federals have taken it over.

Hon. Mr. Grossman: Correct. The corporation is not operative. The federal government has taken it over under the Canada Deposit Insurance Corporation Act.

Mr. Williams: If that is factually and technically correct, what is the purpose of having the Act in place if it's now administered entirely by the federal authorities?

Mr. Reed: Maybe we need a sunset law.

Mr. Chairman: Does the member for Oriole have further questions?

Mr. Williams: Yes, I do.

Mr. Lawlor: You are not serious?

Hon. Mr. Grossman: In case the CDIC should in any extreme circumstance refuse to provide the necessary back-up insurance, then keeping the Act in place in Ontario would provide the Lieutenant Governor in Council with the authority and power to immediately set up a corporation which could step into the breach in the event that occurred.

[9:00]

Mr. Lewis: I think it is about time for an anti-lawyer speech just about now.

Mr. Williams: Then the Act is operative but not operating, is that not more accurate, Mr. Minister?

Hon. Mr. Grossman: The corporation is not operating.

Mr. Williams: Mr. Minister, you indicated there was no way of determining the amount of foreign, specifically American, investment. I was referring to foreign investment as a total package. You indicated the degree of foreign investment was not determinable, yet the superintendent publishes in the annual statements the amounts of foreign investment generated by the individual loan and trust companies in their overall mortgage loan portfolios. These figures are set out quite clearly in the reports I have seen published. On that basis I cannot understand why you would say there is no information available as to the varying degrees of foreign investment being made on an annual basis in this province.

Hon. Mr. Grossman: If you have the figures with you, perhaps you can send them over here. The superintendent cannot remember offhand those figures you have described as appearing in his report. In the event you might be able to supply us with your reference, I am sure the superintendent could explain what those figures do, in fact, represent. But at the moment, as you have described them, the superintendent cannot identify the figures you are referring to.

Mr. B. Newman: Mr. Chairman, I wanted to refer to the Cemeteries Act.

Mr. Lawlor: What a ghoulish subject.

Mr. B. Newman: The minister may not be aware, but the members of his staff can recall the Greenlawn Memorial Mausoleum and cemetery in the city of Windsor—the mausoleum going into a serious state of disrepair, and those who have had loved ones in the mausoleum being very much concerned. I have been in touch with his officials for about three years now on the problem. The problem still is not resolved. Could

the minister tell me and the House when he expects the problem to be resolved?

Hon. Mr. Grossman: Not to raise false hopes, but I am informed that a very important meeting was held last week. It looks as if it should be the final meeting and action on the site should now not be too long removed.

Mr. B. Newman: I hope so, because those involved certainly have waited long enough. I know there were complications trying to establish the ownership in the first place, then who takes over when the owner refuses to maintain the mausoleum. If the meeting last week will resolve it, you will put a lot of people's minds to rest.

Mr. Lewis: A good subject for a cemetery.

Mr. Reed: A dead issue.

Hon. Mr. Grossman: And I hope in peace. If there is any further delay, I will communicate with you directly.

Mr. B. Newman: Thank you, Mr. Minister.

Mr. Lawlor: Two points under this vote. It has been recently reported to me that there is a practice developing with the mortgage and loan corporations, and I suppose with the trust companies and insurance companies. As you know, from when you were at an earlier time practising law and earning an honest living, most conventional mortgages issued by the corporations have set terms, say five years. In an exigency, or when a sale is taking place you would write them a letter and ask them to release their mortgage or discharge it. They would write back and say, "Yes, we will do that, if the interest rate is low."

With a mortgage they would like to get out of their portfolio, they would say, "Yes, we will take it. We will not charge you extra interest." Strictly speaking, under the terms of the mortgage, I suppose some mortgages go right through to the end of the mortgage with respect to accumulating interest.

Very often they'd say three months. Now, I'm told, many of these companies are saying six months. I don't know whether you find that a bit onerous upon people, and whether it would be at all in your grain to move in somewhat on this practice. A demand of six months' interest on a mortgage of, say, \$15,000 with an interest rate of 10½ or 11 per cent is a very considerable sum of money in the context. Are you aware of this developing new practice?

Second, do you think that your department has some responsibility, not necessarily in moving legislation but in pointing

this out to the companies by saying that that extra interest—the spread on their interest rates between receipts and what they make on the disbursement—has widened? A number of the companies' profit margins have been seriously cut into in recent times. This is a device to bolster or expand their whole revenue picture, but it is a questionable device. I would welcome the remarks of the ministry about this.

Hon. Mr. Grossman: I'll give you the remarks of the minister. I always found the practice rather distasteful when I was out there earning an honest living. Since I've been here, I must tell you I wasn't aware that the practice had expanded to six months. The hon. member for Brant-Oxford-Norfolk is in the House, I suppose we should be careful what we say about when we were practising law. In any case, I do find the practice—

Mr. Lawlor: The hon. member for Brant-Oxford-Norfolk is totally repentant now. He has withdrawn every remark he ever made.

Mr. Nixon: Of course that is a complete and utter falsehood and if you would like me to reiterate them I feel them coming on.

Mr. Lawlor: I don't want to goad him tonight. I take it all back. I withdraw every remark I ever made.

Hon. Mr. Grossman: I think we're ready for his remarks.

Mr. Nixon: There is something about your loquacious approach to this that reminds me of what is really wrong with the law.

Mr. Chairman: Item 3, the hon. minister.

Mr. Lewis: Mr. Chairman, we are verging on another spasm of legal bashing. I urge you, sir, to keep order.

Hon. Mr. Grossman: I think the member for Lakeshore and I are prepared to take you on any vote tonight. You can raise it on any vote tonight. You can raise it at any stage in the estimates. We'll take it up.

Mr. Lewis: Don't press it. Don't press it.

Mr. Swart: Don't count on the member for Lakeshore to back you up.

Hon. Mr. Grossman: Since I've been removed from the practice of law for a few years now I wasn't aware that the practice had crept up from three months to six months. Frankly, I have always thought that a reasonable notice period was quite sufficient without having onerous bonus provisions in mortgages, or in fact having closed mortgages at all. As the member for Lakeshore quite properly points out, they're nothing but levers which can be used at the

leisure of the mortgagor, as the mortgagor or the mortgage company sees fit, depending upon the current rates.

Happily, if the federal government ever gets around to it it will be grappling with this problem. I believe one of the provisions of the proposed Borrowers' and Depositors' Protection Act would have called for no closed mortgages and all mortgages would be open on three months' notice.

I would certainly welcome that sort of legislation. I suppose we can't wait forever expecting that Act to show up. I do believe it will show up in the not-too-distant future. In the event it doesn't, I don't mind saying to the member that although the Mortgages Act of the province does not come under my ministry I would hope that mortgage companies—and I say it on the record so they can be aware of at least my feeling on the matter, for what it's worth—I would hope that mortgage companies would at least be aware that I certainly frown upon the practice.

I hope it doesn't occur and I hope it doesn't expand to six months. I would hope that even the existing practice of three months, or a long-term closed mortgage, is not used in an abusive way pending the federal legislation.

Mr. Lawlor: Second question: Are things now running smoothly with the credit unions after your predecessor in office spent a great deal of time and palaver and, I thought, showed a certain element of pretence, in seeking to smooth over and make himself palatable in that one?

Hon. Mr. Grossman: Yes, you will recall that last Friday I announced Ontario's share in the Canada Deposit Insurance Corporation went into operation, last Thursday, December 1. Its bylaws were in place. All the members were there, present and on board, and it was now very real and functioning. I am happy to report all the optimism of my predecessor has been justified. Things are running just swimmingly so far.

Mr. Lawlor: He lifted a potential burden from yourself.

What is the situation on the trust corporations, and the Loan and Trust Corporations Act?

Hon. Mr. Grossman: First, I presume you are aware that in the financial institutions division of the ministry we have been dealing with the report of a very fine select committee. I know the member will be aware the amendment would be so extensive pursuant to that report that it would entail an entire new Act. We would hope things

will be ready not too long from now but we're also aware it would be timely to await the proposed changes to the Bank Act which may have an effect on the ultimate legislation we might bring down as a result of the report of the select committee.

The review is continuing. I know you're anxious to get the thing in place pursuant to the report of the select committee but we're going to continue our deliberations on it in the ministry and wait and see what happens federally and then bring in an entirely new bill.

Mr. Lawlor: I know this will be difficult to answer because it's a federal question. Are those bank hearings about the near-bank concepts; the fairly hard-nosed attitude of the banking community against the trust community in trying to keep them in their place, so to speak, and certainly not to give them lending powers in order to hold them in line, and to exclude them from a number of areas of financial management, fairly close to being consummated? Your department monitors that. I take it, pretty closely watching the situation. My feeling was those hearings and the recommendations coming through from the minister must be fairly close to being consummated. Would that be true?

Hon. Mr. Grossman: My staff does monitor closely. They're not terribly sure how imminent or how comprehensive the federal proposals are at this time. Indeed, "imminent" with the federal government on some of these matters doesn't mean much more than "in the fullness of time."

In any case, the subject of the Bank Act is on the agenda for the meeting with the federal and provincial ministers which will occur in March of next year. At that time, I will be able to report back to you with regard to some of those details.

Mr. McClellan: I want to ask a couple of questions with respect to the regulation of out-of-province loan or trust corporations which may be providing mortgages in Ontario.

First, since I'm treading on totally uncharted waters as far as I'm concerned, can the minister tell me under what legislation such out-of-province loan or trust corporations are authorized to do business in Ontario? Is it under the Loan and Trust Corporations Act or a separate piece of legislation?

[9:15]

Hon. Mr. Grossman: All those companies lending mortgages in Ontario must register

under the Loan and Trust Corporations Act, and they must register in Ontario with us.

Mr. McClellan: There is a certain confusion in my mind. The Loan and Trust Corporations Act requires corporations to establish a head office in Ontario, as I read the Act. Yet at least one company with which I am familiar, City Savings and Trust, does not have a head office in Ontario in the sense that one can do business with that head office the way one would expect to be able to do business here in Ontario. One has to do business through the Vancouver office. Does that requirement mean they must establish a head office in Ontario? Does it mean an Ontario resident is able to do all his business with the head office here in Ontario and that head office is accountable for the actions of the corporation under Ontario law? Because that's certainly not my experience.

Hon. Mr. Grossman: Nor is it, to my understanding, the requirement of the Act that the head office be in Ontario. What it requires is that all companies doing business in Ontario be registered in Ontario under the Act and all those companies are subject to the same rules, regulations and controls, regardless of whether they are Ontario companies with head offices in Ontario or companies operating, for example, with head offices in Vancouver or Montreal.

Have you got the section of the Act to which you are referring? Perhaps I can help you.

Mr. McClellan: I am afraid I am desperately trying to find it. I was looking at it—

Hon. Mr. Grossman: You can get distracted in these estimates.

Mr. McClellan: Yes, well, be that as it may, I may be able to find it before I complete my questions. The difficulty is this. A mortgage company has lent you a mortgage. You are a resident of Ontario and it's a corporation with its head office in Vancouver. If you run into a hassle with that mortgage company, you have to deal with the head office in Vancouver. If you get into a dispute with them with respect to your payments, you have to deal with them across the distance between here and Vancouver. If you say, "I have paid my mortgage payments on time every month for the last five years," and the mortgage is about to close and they say, "No, you haven't paid your mortgage every month on time for the last five years, you owe us so many hundred dollars for late payments and we are not going to let you close the mortgage until you pay," the only way you can come to a satisfaction of that

dispute is to go to Vancouver and fight it out in the Vancouver courts. I may misunderstand fundamentally the workings of your legislation, but that is certainly the experience.

Hon. Mr. Grossman: Obviously I can't give you any specific response to the specific problem you have. I would be surprised if the problem you are outlining were the case. Each company from outside the province, licensed and registered within Ontario to do business in Ontario, must have a permanent office in Ontario, a real permanent office, together with a chief agent in Ontario, someone to deal with for precisely that situation, so there is someone and some place in Ontario where you can go to get relief. I would refer you to section 134 of the Act which deals with the subject. It's under the registration portion of the Act section 134(1): "Where a corporation applying for registry has its head office outside Ontario"—which confirms what I said earlier that you can have your head office outside Ontario—"the application shall be accompanied by a power of attorney from the corporation to an agent or agents resident in Ontario."

You will go on to see subsection 4: "The power of attorney shall declare at what place in Ontario the chief agency of the corporation is or is to be established and shall expressly authorize the agent or agents to receive service of process in all actions and proceedings against the corporation in Ontario for any liability incurred by the corporation therein . . ." and so on. It gives the mortgagee as it were great rights to sue that chief agent in Ontario and be subject to Ontario's laws in the service of all documents upon that person.

Mr. McClellan: So it is possible then to initiate in all cases a lawsuit against the corporation through their agent who is required to be registered here.

Hon. Mr. Grossman: Precisely. That is the purport of the legislation; that is exactly what it says. If you want to give us the details of the problem you have had, we will look into it, and see why you had to deal with Vancouver.

Mrs. Campbell: I have two questions. One is with reference to insurance practices. I have not had any recent complaints and I don't know how widespread the practice has been with those insurance companies dealing with the insurance of property as opposed to motor vehicles. That's what appeared to be a practice of blacklisting properties—not having the individual blacklisted because of some previous insurance problem but properties—in a given section of a municipality.

We had this in Toronto over a number of years. Whether it is the new or reasonably new bylaw in Toronto which has changed this, or whether it is a practice in Toronto any longer, I don't know. I simply haven't had any criticism. But I wondered whether that wouldn't perhaps apply to other municipalities in the province of Ontario. Is there any monitoring by your ministry with reference to that practice, which puts tremendous pressure on owners of buildings in some of the given areas?

Hon. Mr. Grossman: My people report to me that their experience, like that of the member for St. George, is that while it may have been a bit of a practice in an earlier stage, they are not aware of that as a continuing problem any longer, either in Toronto or in other municipalities. With regard to the monitoring, I believe it is mostly a problem which comes to our attention pretty quickly. People seem to have no problem when they can't get insurance, saying there has to be someone to call and locating the office. We wish people were often that anxious to call when they have simple rate problems, but there appears to be no hesitancy to call when they have a problem getting coverage.

I am informed that part of the resolution of that whole problem is the fact that there are now four insurance agencies which specialize in placing what is referred to as substantial risks.

Mrs. Campbell: Are they placing them?

Hon. Mr. Grossman: They are placing them. Most of them are insured under subscription policies, taken by a group of insurers. There is a pooling in order to fill what apparently was a previous reluctance to insure some properties in a given area. The problem has now been solved.

Mrs. Campbell: I'm delighted to know it. May I just pursue that? You say there is now some kind of group; what is it, a community group that gets together in an area? What kind of premiums, what are we talking about? I don't understand.

Hon. Mr. Grossman: Apparently the insurance companies have got together jointly—

Mrs. Campbell: Oh, they group the insurance—

Hon. Mr. Grossman: Yes, the insurance coverages are pooled. They are all undertaking the risk in order to service the market as a whole.

Mrs. Campbell: The other question is also a residual matter from the old checkerboarding days. I'm wondering what, if anything, has been done about those who hold mort-

gages and who seem to have been carrying on transactions in them. I'm sorry that I may not be accurate in my description of the company as I can't locate a file because my secretary isn't there. Are White Oaks and following White Oaks, Maple Hill, both holding mortgages on properties in the checkerboarding area? We seem still to be having some problems with them. What did your ministry do, or what has it done, about this kind of dealing in land in this province?

Hon. Mr. Grossman: I must say it's not something that falls into the jurisdiction of the financial institutions branch of this ministry, I believe. I'm familiar with the problem.

Mrs. Campbell: These are mortgages.

Hon. Mr. Grossman: Yes, but I believe the practice you're referring to was an attempt to use checkerboarding and subsequently the mortgaging of those checkerboarded lots—

Mrs. Campbell: That's right.

Hon. Mr. Grossman: —in order to effect something that gets around the Planning Act.

I would suggest it's a Planning Act matter for the Minister of Housing (Mr. Rhodes). If it were a matter, for example, of an institution going in as part of the scheme to divert the Planning Act then I'm sure we might have a chat with the institution as to whether it had been part of a scheme knowingly to get around the Planning Act. But other than that situation, it is a Planning Act matter.

Mr. G. Taylor: On the subject of driving schools, has your ministry done any investigation as to whether driving schools, both in the educational system and in the private sector, have produced cheaper insurance rates for those people graduating from or attending drivers' schools?

Hon. Mr. Grossman: Yes, this was a matter we discussed in the House a little earlier, but not in great detail at that particular time. I think it was a year ago when the government approached the insurance industry especially with regard to the high insurance rates for new drivers. As a result, insurance companies began a program whereby those young people, especially new drivers, were able to attend certain driving schools to take approved courses. Having completed those courses and having received the proper certification, new drivers who had participated in that program were then granted decreases in insurance rates of, I think, up to 44 per cent by some insurance companies.

Some problem has arisen and it was raised, quite properly, in the House with regard to the fact that many people taking the courses are unaware that the particular course they are taking is not recognized by the insurance companies in question. We encourage people not only to take the properly accredited and recognized courses, but to make sure they follow up by dealing with insurance companies that recognize those courses. Our advice to new drivers is to check to see which courses are accredited—I think it's through the Ontario Safety League—and then to make sure they go to a company belonging to the Insurance Bureau of Canada, 90 per cent of which will then give the appropriate credit for having completed those courses successfully.

I might say I would hope that more driving schools would be accredited by the Ontario Safety League in order to make this coverage more common and in order that more people would be taking the courses. It's a two-fold protection and the insurance companies have co-operated by saying that if people take these courses then they're entitled to the credit, having passed those courses. We would encourage people to take the courses and follow it up with the proper insurance companies. I would hope more and more insurance companies would join up and agree to participate in those courses.

Mr. G. Taylor: Mr. Minister, a further question on the Motor Vehicle Accident Claims Act. There are substantial funds paid out of that each and every year—
[9:30]

Mr. Chairman: I believe your question should probably be withheld until we get to item 4.

Mr. G. Taylor: Oh, that is in item 4. Let us go back to the credit unions, then.

Mr. Minister, some of the credit unions have objects and powers within certain geographical limits. In the area which I represent there could possibly be annexation and one credit union will lose a great deal of territory from the area which they cover. Is your ministry considering any legislation that would assist that particular credit union or other credit unions that fall under this same category when areas or geographical boundaries within which they work are annexed by other municipalities?

Hon. Mr. Grossman: I am informed the new Act does not bind the credit unions to geographical boundaries. It is up to the members of the credit union to deal as they wish. They are not subject to any of the boundary changes under the new Act.

Mr. G. Taylor: There seem to be excessive changes to the objects of these corporations entailing financial consideration to revamp their objects. Would your ministry be considering waiving those provisions where it has not been of their volition that their area has been reduced?

Hon. Mr. Grossman: Well, again their decision with regard to the area in which they operate has nothing to do with annexation or the lack of annexation. It is entirely a decision the credit union members may take from time to time. Whether they choose to do it because the municipal boundaries have been changed or simply because the company they work for has shifted location or whatever, is entirely a decision made by the credit union members. They would have to follow the same procedure.

Mr. G. Taylor: Mr. Minister, to get the point more precisely: Would you require a further filing fee for changing their objects to allow them to conduct their services within geographical boundaries? Naturally, if they do change their objects, there is going to be an increased fee. Is there any provision for waiving that fee?

Hon. Mr. Grossman: As my friend from Renfrew North (Mr. Conway), would say, even the fine burghers of Simcoe Centre are going to have to pay the fee for filing supplementary letters and changing the objects, the same as the good burghers of St. Andrew-St. Patrick, if the situation arises.

Mr. Swart: I have a matter I would like to take up with the minister at this time. It concerns a constituent of mine. I will send him the details of the names and the addresses but there is a matter of some principle involved on which I would like him to comment at this time.

This case surrounds a man and wife who bought a very small home in a locality in the Niagara Peninsula. They paid \$500 down and had a mortgage of \$9,500. They bought it in January of this year. They made two payments on it, did not keep up the payments and it was repossessed in June of this year; it was total repossession whereby the locks were changed. They had to move out and rent some property.

They were informed by the investment company shortly thereafter that they are still being held responsible for the payment of that mortgage money, in addition to having that home repossessed by this investment company. They have been threatened with being taken to court or having wages garnished. Is it possible under present legislation that this can take place?

I would point out at this time the property has not yet been resold. But these threats have been made to these people and their lawyer, so they tell me, has indicated to them that they can be held responsible for this. Does the legislation permit this sort of thing?

Hon. Mr. Grossman: Well, sure, my friend the member for Lakeshore will confirm to you the action to retake property is an action to foreclose on security for a loan. The security is always in a real sense a backup to a personal signature and therefore if it is a foreclosure action in the ordinary course, it is always an action for payment, possession and foreclosure. Payment—personal payment. Possession—obviously possession is needed to effect sale of the property. And foreclosure.

(They may have proceeded by another route, I don't know. Property: whether it's a good pledge to the bank, you may pledge your car, your gold ring if you had one—anything. In this case, it happens to be security on real property as evidenced by a mortgage. That is collateral to your signature and where they have not succeeded in selling the property and effecting payment then they are entitled to take whatever step is necessary to get their \$9,500 plus interest back from the borrower.

In the event that payments are made on the ultimate sale of the home your constituent will be entitled to get whatever extra moneys might come out, so that the mortgage lender is not in a better position for having foreclosed on the loan.

In essence, the situation is that it's not a matter of the mortgage company or the mortgagee being required to select his remedy. He need not select to take an action against you personally, or to take an action to recover your home, or your car if you've also pledged your car, and sell it to get the assets out of it.

Indeed, to draw one other parallel, it's often the case a person will get a mortgage on his home and also have a guarantor on that mortgage. For example, on a second mortgage the bank or mortgage company may think there's not enough equity. They'll say, "All right. We'll give you a mortgage up to 95 per cent of the value of your property, if you get Lawlor, QC, to co-sign." That's great, but if Lawlor, QC, co-signs that doesn't mean they've elected to go after him. They will go after him, sell the home, and then go after you personally until they have all the money.

Mr. Lawlor: Mr. Chairman, on a point of personal privilege: I don't mind being made a magnate, a tycoon in the industrial factor, and used symbolically, I hope, with respect to the whole capitalist system, but I would ask the minister at some point—taking both

the home and the money, I would cease and desist, so to speak, and I would ask the minister to do the same. He can use John Q. Public or someone else but not my name.

Mr. Deputy Speaker: I thought you would be honoured to be pointed out in this way.

Mr. Lawlor: Not in that particular context, Mr. Chairman.

Mr. Deputy Chairman: Would the minister use "Stravinsky" from now on, please?

Mr. Lawlor: Stravinsky, that's all right.

Hon. Mr. Grossman: It's Stravinsky, rather than Lawlor, QC, who may be judgement proof, but in any event we're going after the guarantor. It is only another piece of security, as is the property. I might say I'm rather surprised they haven't effected sale. What often happens in these circumstances—it is a very common complaint—is that the property is resold for an insufficient amount. We would often get complaints from someone saying, "Hey, come on. That property is worth \$9,500"—in your case—"not the \$6,000 you sold it for. Now you're looking at my constituents for the extra \$3,500." The role the courts play in those proceedings is to make sure the price is a fair and equitable one.

Mr. Swart: One further question then: It is quite possible for a mortgage company to loan moneys in excess of the value of the property, then repossess the property and place a guarantee against a person's wages to recover the rest of it, or if he doesn't sell it, to continue to recover the amount as best he can up until the time that it is sold, with the possibility that this person can lose his job because of the garnishees—there's no legislation to prevent that?

Hon. Mr. Grossman: No, there isn't. Indeed, let's look at a situation. The trust companies are mostly the ones who will lend, and can lend only up to 75 per cent of the equity of the property. In those instances you'll find the trust companies are able, with that 75 per cent—well, the 25 per cent leverages—to sell the property and get sufficient equity out to cover themselves. So in most cases they are not obliged to go after and chase the mortgagor personally because they can drop the sale price by one quarter of the estimated real value of the property and still get all of their own money out.

In case the member is leading to a series of questions which really suggests—and I don't believe very many of his colleagues would support him in this—that you cannot continue to pursue the person who personally borrowed the money after realizing whatever funds one can out of the sale of the property,

he ought to keep in mind the fact that in very many of these instances, and probably the more serious ones, the second mortgage, which is the one which would be affected, is held as a result of an earlier sale of the property, where not a mortgage company but a vendor of the property sold his house to Stravinsky, as it were, and took a second mortgage back up to 90 or 95 per cent, say, of the property.

I think that innocent vendor would be rather unhappy if that vendor, some years down the pike, found himself or herself having only the remedy of foreclosing against the house which had been sold earlier and finding that property values had stabilized or decreased so that he or she was now out of pocket of the funds and had no right to look to the person from whom the property was bought and upon whom the vendor relied in part in selling the home and agreeing to take a mortgage back. Taking a mortgage back on a sale is often a very important part of the consummation of the transaction, and most vendors would look rather carefully at the person they're selling to for the precise reason that they know they are relying upon that person—not just the property, but that person—to make the payments or to make good a liability owed for the balance of the purchase price on the home.

I think the member should keep in mind when he's talking about the ability to go after the person who borrowed the money—and let's not forget it's a person who borrowed the money; in very few instances are we talking about mortgage companies, because they only go up to 75 per cent—that we're talking mainly about innocent vendors of property who took back a purchased money mortgage and who would be left holding property which wouldn't be much good to them; they'd be into the courts with lawyers on foreclosure actions. I think the member would want them to continue to have the right to look to the person personally who understood to pay for the balance of the purchase price by way of a purchased money mortgage back to the vendor.

Mr. Lawlor: Would the minister go this far, though, since I think he's shrewd enough to know that in the context of this illustration—I'm not sure of the facts in the very case, but the normal situation is that they're buying property for \$10,000 and they put in \$500; of course, they're asking for trouble by that very fact, and some lawyers should tell them, but very often they sign before and they have to go forward with the thing.

The \$9,500 mortgage usually goes back to the vendor who sells it. He doesn't get

\$9,500 for it; he gets \$8,000, \$7,600 or something. I think legislation should be considered restricting them to the return on the actual amount advanced on the mortgage plus whatever interest accumulates thereon in the meantime, and not upon the full face value of the mortgage for which the moneys were never advanced anyhow. I mean, this is a disaster for this individual. Not only has he lost the home and a roof over his head; he loses his job along with it because of a foolish venture. I think that's too high a price for the average citizen to pay, and fairly often it happens among the people most vulnerable. Real estate men are in cahoots about the thing. It's one of the things that brings real estate people into disrepute.

When a lawyer comes along, either there's a signed offer about which, as I say, they can do very little except go forward or pull back and let them do what they like—perhaps to sue, which is a fairly sensible thing to do most of the time, because you can tie them up pretty badly. Or if you feel that the odds are the other way on a specific performance, then you instruct them to go ahead and resell immediately. Even then they are going to fall short, probably, on the valuation because the valuation has been inflated precisely to pick up the bonus aspect and people are being victimized. It is within your competence to relieve them from a situation which is so obviously gross.

[9:45]

Hon. Mr. Grossman: I don't think the generalization would apply in all cases. There are many instances, of course, in which the vendor may have taken back a mortgage and, for example, he may have passed away subsequently. Because of a change in mortgage rates between the time of the sale and time of the death, the estate may choose to sell off the mortgage. Because of a change in mortgage rates, perhaps mortgage rates had gone up, then the only way in which that mortgage could become liquid, to satisfy the needs of the estate, would be to sell off the mortgage at a substantial discount in order that the effective rate of interest on the mortgage be back up to the current rate of interest.

That may have nothing to do with the risk entailed in the case in question or in any other case. It may simply depend upon the exigencies faced by the mortgagor at that time. For that reason it would seem to me that all-pervasive legislation may in fact work an undue and uncalled for hardship in some cases where the mortgagor was in a different situation than that laid out here.

For all we know that may be the case in the case in question.

Mr. Williams: A short while ago we were discussing the Loan and Trust Corporations Act. I have been endeavouring to identify, through that legislation, a pattern of development of foreign investment in the province that could be reflected in the annual report made with regard to the activities of the loan and trust corporations. The superintendent and the minister suggested there is no such detailed annual résumé of the financial activities of the loan and trust corporations. The reason for that may well be that I had assumed that the registrar named in the Loan and Trust Corporations Act was also one and the same person as the Superintendent of Insurance. It was for that reason that I alluded to the superintendent and, of course, I was referring to the annual report that is required under section 122 of the Loan and Trust Corporations Act. The Act is quite specific as to the detailed information that the loan and trust corporations will file. The relevant subsection of the Act provides that the registrar should prepare for the minister, from statements filed by the corporations and from any inspection or inquiries made, an annual report showing particulars of the business of each corporation as ascertained from such statements, inspection and inquiries and that the report shall be printed and published forthwith after completion.

I have gone to the legislative library and taken an extract from one of the more current annual reports: the one for 1975. This does detail the nature of the financial transactions of loan and trust corporations that are registered with the provincial authorities. The extract I have before me sets out, in columnar form, the various types of assets that are under administration by the trust companies licenced in the province of Ontario, administering either estates, trusts or other agencies which they are qualified to administer.

Under the various headings we have the categories of cash investment on behalf of estates, trusts or agencies. We have the amounts of moneys that each trust corporation has invested on behalf of its clients, being estates or trusts or other agencies in the form of bonds. It also lists the total amounts of moneys invested in stocks.

Coming in particular to the type of investments that I was referring to at some length earlier on—mortgages and sale agreements, in which the trust companies have moneys invested on behalf of their principals—it was

to these annual reports I was referring and about which I again ask a question. From this information and perhaps other detailed information that is made available to the registrar, is it not determinable what portion of those investments in mortgages and sale agreements is attributable to funds being made available by principals who can be classified as foreign principals, that is, non-resident, as contrasted to principals who are Canadian or residents of the province of Ontario?

If the answer is yes, then surely from that one could determine the extent of decline or increase in the amount of foreign investment generated through the vehicle of trust companies, which act in a very significant way as loan correspondents for these foreign investors. It wasn't without some justification I felt there might be an answer available to that query as to whether one could not determine from the activities of the loan and trust corporations as to how our economic climate was in this area of commerce and investment. With the benefit of that added information, perhaps you could further clarify the situation to me.

Hon. Mr. Grossman: In fairness to the member, I never suggested his question was without some justification or some good forethought as to a reasonable expectation that it might be available. However, a more intimate knowledge of the workings of the trust companies and the information they have at hand and the information they are required to file with the ministry would produce the result that the information is neither available nor in the reports. It just isn't there; the companies don't have it. They don't compile it in that fashion and we don't have it.

Mr. Williams: To be absolutely clear in my own mind, when you say they are not required to file it, we don't have it and it's just not there, I presume what you mean is that the distinction between domestic and foreign investment isn't broken down in the reports so as to provide the type of information I am seeking. Is that what you are saying?

Hon. Mr. Grossman: It is not sent to us. Therefore, we can't break it out for the reports.

Mr. G. Taylor: To get back to the mortgage problem which was mentioned earlier, there are many practices in the mortgage industry today, but the one that comes to my attention most frequently is that of amortization and the term of the mortgage. I am wondering under certain Acts of your

ministry whether insurance companies, credit unions and other lending institutions have had that brought to their attention to distinguish to the persons that come to them to borrow funds the exact difference between amortization and the term of a mortgage.

I find it most disheartening that every five years or so, or three years now as is getting to be the practice, they have asked the mortgage to be called in, thus causing that individual great consternation indeed through having to go out and find other mortgage funding. They have been told by either the real estate broker or the mortgage lending institution that the mortgage is a 25-year mortgage or a longer period of time, when indeed it is only a shorter period of time, now being the three-year and five-year period.

Has your ministry taken any initiative in bringing this to the attention of those people whose businesses would come under certain Acts of your ministry?

Hon. Mr. Grossman: Yes, we had every opportunity to draw that matter to the attention of prospective mortgagors. One of the little red books put out by my ministry is called "Getting a Mortgage." Specifically in that little publication we draw to the attention of mortgagors the things they should be looking for and the questions they should be asking when they're getting a mortgage.

There's no question but that in dealing with these things the amount of information we give consumers and caution them about is one thing; what happens out there on the streets in terms of how their real estate agents and lawyers are handling this situation sometimes may be something else. I would hope that the mortgage companies and loan and trust companies with which our ministry deals are being very careful and explicit about that sort of problem, because it is a very common one.

As I say, we draw it to the attention of consumers. I think it's a valid point raised by the member and perhaps we'll take care to make sure that the institutions licensed by our ministry have it drawn to their attention that they should be careful that their people are well aware of the possible confusion in the minds of the public.

Mr. G. Taylor: On the same subject, has the ministry considered investigating sufficiently to bring about any prosecutions under some of the Acts administered by this ministry of the persons who transgress this provision, which I think is lack of fair play to the mortgage borrower?

Hon. Mr. Grossman: Loan and trust companies have their licences renewed annually by the ministry. If there are any complaints in this regard, then they are brought in and the matter is discussed with them. In a serious case, if there was a clear ongoing pattern of misrepresentation or abuse, then obviously there would be no renewal issued.

In any case, there is that ongoing contact with the ministry through the annual renewal and at that time, or indeed upon immediate receipt of any complaint during the calendar year there is immediate contact made and discussions held, always with the knowledge that we carry the registration power in the event the discussions are not fruitful.

Mr. Williams: On this same point, on the last page providing the statistics under vote 1402, item 3—the question may have been raised while I was out of the chamber—in looking at the comparative statistics between 1975-76 and 1976-77 regarding the number of complaints that were registered with regard to the activities of loan and trust companies, I notice there were none in the 1975-76 period and 80 in the 1976-77 period.

Was any reference made to this significant increase in complaints that were filed in a subsequent 12-month period? If not, is there a ready explanation as to the marked increase in the number of complaints that were generated in such a short period of time?

I understand that the nature of the complaints is along the lines that my colleague was talking about earlier, as identified at the bottom of the page, but I don't know whether the quantitative difference was referred to in the earlier remarks.

Mr. Lewis: What the hell are we doing here?

Mr. Lawlor: It's an in-house issue.

Mr. Lewis: Will you put that in Hansard? "Lewis asks with existential angst, 'What the hell are we all doing here?'"

Mr. Williams: That's what we feel quite often over here, listening to what's coming from over there.

Mr. Deputy Chairman: Order, please.

Hon. Mr. Grossman: We are missing Monday night football, of course.

Mr. Lawlor: You're damned right.

Hon. Mr. Grossman: There were no figures. No one kept track of the figures in 1975-76 with regard to complaints and calls coming in on the subject matter of loan and trust companies, so we don't have a figure in there.

(The complaints coming in 1976-77 were mainly queries from the public with regard

to problems which apparently arose out of poor communication and the lack of understanding of some really basic legal matters in the minds of the public. But there were apparently a considerable number of complaints relating to increased fees on RRSs and some of the new high fees charged for mortgage placement and discharge, although I'm sure very few of those discharge fees were charged by lawyers. In any event, those were the inquiries.

Item 3 agreed to.

[10:00]

On item 4, Motor Vehicle Accident Claims Fund:

Mr. Nixon: I would like some information on the accident claims fund. The minister may be aware that I have a private bill before the House which would make automobile insurance compulsory. This would in no way mean this fund would disappear but it would change its function considerably. I wonder if the minister could tell me how many \$100 fees were received by the fund last year.

Hon. Mr. Grossman: In 1975-76, there were approximately 125,000. The estimate for 1976-77—we don't have the figures yet—is 140,000.

Mr. Nixon: Why is that estimate going up so much?

Hon. Mr. Grossman: I presume it is not out of proportion, simply, to the number of new drivers. To the best of our knowledge, that is not out of line with the number of new drivers.

Mr. Nixon: I see you are budgeting for a statutory disbursement of \$15 million. Is the \$3.5 million strictly for administration of the fund? How many claims were there against the fund this past year?

Hon. Mr. Grossman: In 1975-76, there were 10,818. In 1976-77, we estimate about the same total or a little higher. You might want the figure for payments from the fund. In 1975-76, it was just over \$12.4 million.

Mr. Nixon: I cannot divide that. Have you by chance an average claim amount?

Hon. Mr. Grossman: No.

Mr. Nixon: I just thought it might be one of the figures your staff had provided. It is probably meaningless since the numbers you have given are the significant ones.

It seems to me that we ought to be considering, as a House, the establishment of compulsory insurance. We have had a number of select committees and commissions make recommendations here in the province that we should have a compulsory insurance pro-

gram. I am sure the minister is aware most other jurisdictions in Canada do have such a program. I was hoping the minister might be giving some consideration to recommending to his cabinet colleagues that this sort of legislation be brought before us, hopefully in 1978.

I think it is quite seriously misleading that so many drivers, particularly the younger drivers, feel they are living up to their responsibilities by making the \$100 payment into the Motor Vehicle Accident Claims Fund. It is true for a number of males under 25, particularly if their accident record is not good, that insurance premiums are astronomical, almost frightening. But the companies seem to be making some considerable progress in distributing the risk on what I would consider to be a somewhat fairer base.

What is going on over there? Oh, never mind. Here are my best pearls and they are falling before an inattentive minister—

Hon. Mr. Grossman: Not so.

Mr. Warner: He's just dozing.

Mr. Nixon: —rather than the people I usually scatter them before. I really feel that this particular operation is one for which we should not be particularly proud. I have no comment at all as to the efficiency of its administration and so on, but I do believe it is substantially misleading in this province and I would hope we would be giving consideration, as a Legislature and certainly as a government, to establishing this on a firmer footing. It seems to me that young people or anybody else who is going to drive in this province ought to be accepting the full risk of the responsibilities of operating a motor vehicle.

I am well aware that those people who do have a claim before this fund find their driving privileges are removed, unless they can make payments to the full amount of the payment from the fund. This is a kind of risk which is a lot more like Russian roulette than the kind of serious weighing against risk that I feel should be the thing we require under the laws of the province.

I wonder if the minister has any views on this and can he predict that legislation of this type would be introduced?

Hon. Mr. Grossman: Lest the member think I was not listening to his pearls, ordinarily I listen attentively and I even read them in Hansard later.

Mr. Nixon: You must have difficulty sleeping.

Hon. Mr. Grossman: Very much. I just had to do a double-take because I saw one of the items in this part of my estimates book. It says, "Government in favour of the concept

of government automobile insurance." You can understand I fell off my chair when I read that.

Mr. Warner: An excellent notion.

Hon. Mr. Grossman: It shows I don't just read what is handed to me, or else we'd all be in trouble.

Mrs. Campbell: Not necessarily.

Hon. Mr. Grossman: By the way, you might want these figures. I now have the figures on the average judgements: in 1975, judgements out of the fund were \$4,320; in 1976, \$5,069.32.

The member is quite right: I was a member of the select committee on company law, which reported in favour of compulsory automobile insurance. So there'll be no misunderstanding, I want to reaffirm for the record my and my ministry's position in favour of compulsory automobile insurance. We in the ministry are now working on some of the problems entailed in implementing compulsory automobile insurance.

Some of the deliberations of the select committee set out the problems. Indeed, the former member for Downsview was an expert at telling us all the problems entailed in terms of coincident expiry of policies—coincident upon expiry of the insurance coverage—non-cancellability of insurance policies, all of those matters.

Mr. Nixon: He had it all resolved by government operation.

Hon. Mr. Grossman: It is not an easy system to implement, but I want to assure the House that we are working on various ways in which it can be implemented. I hope one day in the not too distant future to be able to rise in the House and report that we have succeeded in following the report of the select committee on company law, in following the bill of the hon. member for Brant-Oxford-Norfolk—taking his cue, no doubt, from the select committee on company law—and implement compulsory automobile insurance.

I should add that Ontario, as has been pointed out earlier, currently has 95 or 96 per cent of all its owners insured, a higher figure than in some jurisdictions where there is compulsory automobile insurance. Having said that, I will also confirm what the member knows: even with compulsory automobile insurance there will be some uninsured drivers. But he is quite right, that would eliminate the need for most of the fund and reduce these figures dramatically. I might add that the best we could ever expect, and the experience of all jurisdictions, is to get that figure down from four or five per cent

uninsured to about two per cent. Even so, that would be an important change in terms of the number of new persons who would then have insurance. Say it cut the figure in half; almost 75,000 persons would have insurance who don't have it today.

One of the problems we face is that so many people think that when they pay into the Motor Vehicle Accident Claims Fund they're buying insurance, which is just not true. They are leaving those of us who have insurance, and have been responsible, at the whim and risk of those who are irresponsible enough just to pay into the fund.

For those reasons and reasons outlined by the member for Brant-Oxford-Norfolk in his pearls earlier, we think it's necessary to have compulsory automobile insurance. We're working on something. We hope the day isn't too far in the future.

Mr. Nixon: Mr. Chairman, I hope the minister isn't under the impression the committee he refers to was the first committee of this Legislature to recommend compulsory automobile insurance.

Hon. Mr. Grossman: That's what Vern Singer told me.

Mr. Nixon: Well, you are certainly more gullible than I had thought. Actually, the latest reincarnation of that very committee, in its recent visits to some of the socialist and former socialist jurisdictions in western Canada, as well as to California in recent weeks, has been looking—

Hon. Mr. Grossman: Oh, I missed that.

Mr. Nixon: That's what happens when you take the Queen's shilling, or whatever you've done. You miss some of these other things.

Hon. Mr. Grossman: I'm sorry I missed that. I missed Regina.

Mr. Nixon: Once again, they have delved into the efficacy of not only compulsory insurance but government-operated insurance.

Mr. Warner: Right. And they were impressed by that.

Mr. Nixon: I was quite appalled, as a matter of fact, by the way some people that I know quite well were impressed by that very matter.

Mr. Warner: The Tories.

Mr. Nixon: However, we can argue that when you hire your own hall.

Hon. Mr. Grossman: I will pay for the hall.

Mr. Warner: Would you like to be invited?

Mr. Nixon: I might be convinced, I don't know.

The idea that this recommendation sort

of burst full blown from the brow of Vernon Singer, QC, and his colleagues in that committee, is not entirely correct, although great credit, of course, is due those worthy members when they thresh that old straw again for the 97th time. I am glad to hear the minister's response, because it shows that he has not got that philosophical opposition to the concept.

I can't help but feel that a philosophical opposition has been what's kept it out of Ontario these many years. I can remember a very heated debate in this House, about 1963, when every reasonable person felt that medical insurance should be mandatory, and that we were not conferring any favour on anybody in this province if we gave them the right to opt out of medical insurance. It was apparent then that no reasonable person, except Lady Eaton who was then alive, could opt out of that insurance on a philosophical basis that she, he or anybody else, would be prepared to carry this expense themselves. We still do not have obligatory hospital and medical insurance; strong-willed people like the minister or the minister's father, or anybody like that, could opt out if they were so inclined.

Hon. Mr. Grossman: We may want to protect the confidentiality of our medical information.

Mr. Nixon: Yes; of course this is a more recent intrusion of government ineptitude into the life of the province.

Hon. Mr. Grossman: Foresight.

Mr. Nixon: I have a feeling that among the minister's more antiquated colleagues there is this feeling that any kind of compulsory insurance does not lie well with a Conservative government; I'm glad to hear the minister disclaim any of those thoughts. As a matter of fact he finds them perhaps surprising, but I can assure you that, if not among his present colleagues, among his immediate predecessors this view was held strongly and accounts for the fact that this is one of the few jurisdictions that does not require insurance on the roads.

California is different. I have not had the opportunity to delve into the intricacies by travelling there with a select committee, but I can assure you, Mr. Chairman, that a most superficial reading, of sort of the footnotes of Reader's Digest, would give you almost the equal amount of information. Down there, of course, they're so progressive in their conservatism that they will not even allow radar to be used.

Mr. Warner: The secret's out; that's where you get your information.

Mr. Nixon: So you can imagine what that does to the Fuzzbuster business. You can't use radar for detecting speeders at all, because it might be an infringement on individual liberties. As a driver myself I have a certain amount of sympathy with that position.

Of course what sells well in California is the kind of insurance that you buy to cover yourself in an accident which is totally the responsibility of the other driver, who may not be insured and you can't get any judgement or any assistance from any kind of a claim, and if you don't have that sort of insurance you're out with a tin cup. Isn't that the way it works?

Mrs. Campbell: Sometimes you are out under the fund here too.

Mr. Reed: That's true.

Hon. Mr. Grossman: That's not true.

Mr. Nixon: Perhaps we should settle this. Here is a lady to my right learned in the law who says that it is true; and who are you?

Mrs. Campbell: What are your maximums now?

Hon. Mr. Grossman: Not only am I learned in the law but my Superintendent of Insurance is learned in the law too.

Mr. Deputy Chairman: Order, please. The member for Brant-Oxford-Norfolk et cetera has the floor.

Mr. Nixon: Et cetera? Is there more to it than that? My God.

Mr. Deputy Chairman: You'd think you were counting just the counties.

Mrs. Campbell: You might tell the Chairman what your proper title is, because that is hardly parliamentary.

Mr. Nixon: Brant-Oxford-Norfolk; no it isn't, no. The people from Haldimand might not like it, because they might think you think I should be representing all of them as well; and of course it's not right.

Anyway, I've made my point and since it's almost time to quit, I'll let somebody else take the situation over.

Hon. Mr. Grossman: I should clarify the record. I never thought that compulsory automobile insurance was an idea that sprung only from the breast of the former member—

Mr. Nixon: I said brow.

[10:15]

Hon. Mr. Grossman: —or brow, of the former member for Wilson Heights. No, indeed it sprung from the brow of many of the members of the committee as well, and perhaps had its true genesis in the earlier select committee on company law studying automobile insurance under the very capable

chairmanship of James Allan, who went on to even greater heights than to chair the select committee on company law. I can't say whether it was a philosophical hangup at any time earlier in the government, and certainly I am happy to report I have no antiquated colleagues in cabinet—I have some older ones but no antiquated ones. I don't think there's a philosophical hangup and certainly under this minister there is not. Perhaps there's a new day, and I will be around to see the day when I stand up and introduce it.

Mr. Nixon: For a few weeks perhaps.

Hon. Mr. Grossman: It might be that soon—

Mr. Nixon: I just want to say one further thing, if I may—just in case the minister is here for three weeks instead of two or something like that—it seems to me that his objection, that the difficulty in implementation is another reason for a delay, doesn't sit well in this House. The very committees I have been referring to, the ones that preceded the Singer committee by many years, have visited these jurisdictions, met the administrators and found out how it's done. The minister might even prevail upon our own superintendent and his staff to travel outside the boundaries of this province, if he has never done it before, in order to get some of this information and do it like they did it there, wherever "there" happens to be. I think it started in Finland, Norway or Sweden or one of those progressive jurisdictions.

Hon. Mr. Grossman: It's probably a good idea anyway.

Mr. Nixon: I would think that if the minister brought that to his attention, he would rush right over there and find out how to do it.

Hon. Mr. Grossman: I may go myself.

Mr. Nixon: He'd better go before the minister goes.

Hon. Mr. Grossman: Indeed, he and I had the pleasure of being together on an excursion to some of those climes just a year and a half ago, although we didn't get to any of the formerly socialist countries in Europe, I might add.

In any case, I did want to rise in reply to point out to the member for Brant-Oxford-Norfolk that the select committee on company law upon which I sat submitted its first report and not only recommended in favour of compulsory automobile insurance but drew the attention of the public to some of the problems in implementation. I believe some of those problems were so recognized by the committee that the subject was re-

ferred over to the second committee to deal with them.

Mr. Nixon: And to be passed on to the third.

Hon. Mr. Grossman: There was some concern, for example, over the effect on rates and whether they would have to move to non-cancellable policies, which again would have an effect on rates, and how you could phase in a non-cancellable policy. My only point is that it's not something we just thought up to explain why time passes and we aren't introducing it tomorrow. My point is that it was well understood by the committee upon which I sat and referred to in the report signed by your colleagues and mine. In fact, some of the problems were so serious and difficult that it was referred to the now sitting committee under the very capable chairmanship of the member for Kitchener (Mr. Breithaupt) for some further deliberation on how it could be implemented so the problems are there.

Mr. Nixon: Are you going to Dade county to examine the auto insurance situation there?

Hon. Mr. Grossman: No. We will leave the travelling up to the select committee. We, in our ministry, feel we have enough resources and information to work towards successful implementation—

Mr. Warner: You could travel somewhere else.

Hon. Mr. Grossman: It's in Florida in January—to do it without the necessity, unfortunately, for either the superintendent or the minister to take any further trips.

Mr. Davison: Mr. Chairman, I am certain the minister will correct me if I am wrong, but my reading of the statistics he has provided us with is that in 1976-77, in terms of actual revenue and expenditure, the expenditure on running the program was \$2,867,870, and \$13,933,969, was paid out of the fund, for a total expenditure from the fund of \$16,801,839. Estimated revenue in the year 1976-77 was \$21 million, which roughly means there would have been a profit from the Motor Vehicle Accident Claims Fund of \$4.2 million in that year.

I take it that because of the revised estimates your revenue wasn't that high. I can't find in the material you provided me with the actual amount of revenue you got from the fund. Perhaps you could help me with that figure so that I can determine whether or not the program lost money or made money last year.

Hon. Mr. Grossman: The figures you have

got are the estimates. The actual figures are as follows: payments out, expenses, \$16,801,839; revenue, \$17 million. In that sense, there was a profit of \$200,000. Those are the actual figures I have just given you.

Mr. Davison: The actual figures I had for revenue were in fact correct. The problem then is that you were out in your estimate of revenue by some \$4 million. Is that correct?

Hon. Mr. Grossman: Yes.

Mr. Davison: How did you manage to underestimate your revenue by \$4 million, which is a rather big percentage? Was there a considerable drop in that year in the number of people requiring this kind of coverage over the year before? Were your predictions as to the increase in the number of drivers, as you have given to the member for Brant-Oxford-Norfolk, not as high as you had predicted they would be? Is that the problem with the \$4 million underestimate that year?

Hon. Mr. Grossman: Yes. In simple terms, more people went out and did the right thing and bought private automobile insurance than was anticipated. In budgeting and estimating, I would expect that since the fund must be funded, obviously, regardless of other budgetary considerations, it would be more appropriate to ensure, if anything, we err on the high side so that there is always money there to pay off any extra claims we haven't anticipated. If anything, I presume we try to estimate on the high side. Hence, I am happy to report we expected more people to be paying into the fund than did.

Mr. Davison: I am not terribly concerned about the \$200,000. I would have perhaps raised some comments as to what you would have done, if you had made \$4.2 million, as you had hopefully predicted you would have. I think that clears it up.

Hon. Mr. Grossman: For the edification of the member for Brant-Oxford-Norfolk, I might read from page 242 of the Singer report, "The committee has recommended the adoption of a system of compulsory third-party liability insurance and it will conduct more detailed studies as to methods to be adopted to provide for adequate compliance and enforcement. The committee will also consider more detailed plans for the integration of the compulsory insurance system with the licensing system. The committee will also consider the more detailed implications that compulsory insurance will have with relation to the Motor Vehicle Accident Claims Fund."

I might also add we are so dedicated in our drive towards implementing compulsory automobile insurance that our ministry is doing the work and not waiting for the select committee to complete its deliberations as to the implications.

Mr. B. Newman: I wanted to ask of the minister, of the some 140,000 individuals who pay \$100 into the Motor Vehicle Accident Claims Fund rather than purchase insurance, when they apply for their licences do you not inform them after some fashion that they do not carry insurance at all, that this does not protect them, and that they still can be held liable? Don't you warn them at all?

Hon. Mr. Grossman: In all licence offices there are signs and publications, such as the ones I have just been handed. I've got three different languages here—the two official languages as well as, I would say, Italian.

Mr. B. Newman: You provide that to individuals?

Hon. Mr. Grossman: Yes. I might say they don't have the minister's name on them, strangely.

Mr. Nixon: They all ought to be thrown out.

Hon. Mr. Grossman: But wait till next year. In any case, these are available. It says on the cover, "Your \$100 fee does not buy you insurance."

Mr. B. Newman: Is that provided to the individual, or is it just available to him?

Hon. Mr. Grossman: I'm told it's right out on the counter in the stores. Quite frankly, I think it should be provided to the individual paying the money.

Mr. B. Newman: My interest is to provide it to the individual, rather than leave it available for him to pick up if he wishes.

Hon. Mr. Grossman: Good point; I'll look into that.

Mr. Warner: Mr. Chairman, I wish to add to some of the comments raised by the member for Brant-Oxford-Norfolk, and elevate it beyond the Reader's Digest. I think it should be noted—and I do appreciate that the minister is interested in having compulsory automobile insurance—previously the government was not disposed to do this. It seemed to find great difficulty in bringing this about. I am somewhat surprised by the minister's reaction about government car insurance. Other Conservative regimes have government car insurance and they're quite pleased with it.

Hon. Mr. Grossman: They inherited it. They are stuck with it.

Mr. Warner: The comment from Mr. McGeer, who is the cabinet minister in British Columbia having responsibility for the plan—not one of your raving socialists, I might add—says that “private enterprise could not possibly operate as cheaply and efficiently as our government does.”

Mr. Nixon: Like adopting a baby—you are always on the defensive.

Hon. Mr. Grossman: All I know is that Renwick and Lawlor told me; they are the raving socialists.

Mr. Warner: You should listen to me.

Mr. Nixon: There isn't a socialist left in the House.

Mr. Warner: They have left the store in good hands.

Mr. G. Taylor: That can only be Allstate.

Mr. Warner: The minister should realize that the committee first went out there under the false assumption that perhaps government car insurance operates well because of a limited or a small population. The first comment made to them in British Columbia was, “One of the reasons for the success of this program is because we have such a large population to deal with.” There goes the myth that it only works if you have 100,000 people or whatever. Not so.

Hon. Mr. Grossman: Not even a myth.

Mr. Warner: In fact, the larger population, particularly 8.5 million people in Ontario, would suit the program. I'll add, as a final comment, the minister should also be aware that the public in Ontario increasingly want a good government car insurance plan.

Hon. Mr. Grossman: There's no such thing.

Mr. Warner: For 38 years there has been a good government car insurance plan in Saskatchewan, you're aware of that.

Mr. Wiseman: Look at the cost.

Mr. Warner: A Tory government in Manitoba and a Tory government in British Columbia—

Mr. Wiseman: Look at Manitoba. What has happened?

Mr. Warner: I didn't know I could wake up five Tories in one short sweep. That's quite amazing.

Mr. Deputy Chairman: Order, please.

Mr. Nixon: You can't wake up the NDP

because there aren't any in the House. This is where we start, right here the next time—

Mr. Deputy Chairman: Order.

Mr. Warner: The final comment I would appreciate the opportunity to make, is that—

Mr. Nixon: Start right here tomorrow.

Mr. Warner: I am going to put on the record my last comment—that last year—

Mr. Nixon: It is adjournment time. It is out of order.

Mr. Wiseman: Time! Time is up.

Mr. Warner: —in my riding of Scarborough-Ellesmere I ran a survey asking people if they wanted a government-run auto insurance plan.

Hon. Mr. Grossman: With lower premiums.

Mr. Warner: More than 60 per cent responded yes, and there were some 11 per cent who were undecided.

Mr. Wiseman: Did they know the cost and what they got for it?

Mr. Warner: But 60 per cent on a sampling of 1,000 were in favour of a government car insurance plan, because they want the rates reduced.

Mr. Deputy Chairman: Could I ask the member to wind up his remarks?

Mr. Warner: I move that the committee rise and report.

Hon. Mr. Grossman: Just quickly—

Mr. Nixon: No, no.

Hon. Mr. Grossman: I do want to move the committee rise before he convinces me. I just want to point out that the small population in BC is probably the reason they lost only \$180 million in the scheme.

[10:30]

Interjections.

Hon. Mr. Grossman: At that point, I want to correct a statement for the member for Windsor-Walkerville.

Mr. Deputy Chairman: Order, please. We have run out of time.

Hon. Mr. Grossman: These are given to people with receipts for the \$100 they pay into the fund.

On motion by Hon. Mr. Grossman, the committee of supply reported progress.

On motion by Hon. Mr. Grossman, the House adjourned at 10:31 p.m.

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Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 6, 1977

The House met at 2 p.m.

Prayers.

STATEMENTS BY THE MINISTRY

AIR SERVICES

Hon. Mr. Snow: Yesterday in Winnipeg the Canadian Transport Commission convened a hearing to consider certain applications which will have a significant effect on the future of air services in Ontario. Of the six applications before the commission, four concern Ontario directly. They are the application by Transair Limited to suspend service to Dryden, Thunder Bay, Sault Ste. Marie and Toronto; the applications by Nordair and Great Lakes Airlines Limited to serve these points and Winnipeg as well; and the application by Canadian Pacific Airlines Limited to serve Thunder Bay en route between Toronto and Winnipeg.

Ontario has a significant interest in the outcome of these applications and, accordingly, I have intervened on behalf of the government of Ontario in these proceedings. For your information, Mr. Speaker, the other two applications involve the sale of Transair Limited to Pacific Western Airlines Limited and a move by Transair Limited to add certain points in western Canada to its licences. Because neither affect Ontario directly, we have not intervened in these particular applications. However, on the other four applications, we are being represented at the Winnipeg hearings by legal counsel who offered the following prepared statement. It is as follows, and I quote:

"Before the committee proceeds to hear these applications, I would like to address a few comments to the commission to outline the basis of Ontario's participation. As we have made clear in our intervention in the Transair application, we have no interest in the acquisition of Transair by Pacific Western Airlines, nor do we have any interest in the addition of points west of Winnipeg to Transair's licences. Our concern in these proceedings is that service to the points in Ontario, presently served by Transair, be provided by a strong regional carrier with access to other regional points in Ontario.

"Other regions of Canada are served exclusively by a single regional air carrier. For instance, in western Canada, Pacific Western Airlines provides such a service exclusively. We believe that the travelling public in Ontario would best be served by one healthy regional air carrier operating throughout the province. At the present time, there are three air carriers providing a regional type of service in Ontario. These are Great Lakes Airlines Limited, Nordair Limited and Transair Limited. Additionally, Air Canada also serves as a regional air carrier in Ontario.

"It is obvious to us that what is required is one strong regional carrier operating in harmony with the two excellent national trunk carriers and with the feeder services, including norOntair. Such a regional carrier must have access to all key regional centres in the province, including Thunder Bay. Our reading of the recently issued Transport Canada discussion paper is that it supports the concept of a strong regional air carrier system.

"The application of Transair to suspend services to these points raises a number of questions which will have to be resolved by the Air Transport Committee. It is the responsibility of this commission to ensure that the appropriate level of service is maintained to these points. Dryden is uniquely affected by these proceedings. It is the only point affected which is not served by Air Canada in addition to Transair.

"The committee now has before it two fresh applications to assume all points in Ontario to which Transair seeks to suspend service. Effectively, the committee has before it then three possible carriers, including Transair, to provide service to these points. Air Canada has indicated its intention to increase services to all points involved except Dryden. As well, the committee has an application by Canadian Pacific Airlines to add the point Thunder Bay to its existing licences.

"Ontario has no objection to Canadian Pacific Airlines serving Thunder Bay provided that: Firstly, CP Air's entrance into the Thunder Bay market does not preclude service to this point by the regional carrier—

a regional carrier must be able to serve Thunder Bay in order to develop a stable commercial operation; and secondly, provided that CP Air's schedules in and out of this point are co-ordinated with those of Air Canada and the regional carrier and feeder services, including norOntair, so as to provide the travelling public with the best possible scheduling.

"In determining these applications, the commission should take into account the following considerations: Firstly, the successful carrier must be dependable and capable of providing services on a commercial basis over the long term. The determination of these applications must also take into account the economic realities of the market. We have no wish to have to go through these proceedings again because the carrier selected has been unable to provide the service required on a continuing basis.

"Secondly, the successful carrier must provide good interline connections with norOntair feeder services at all the points under examination. The route now under consideration is regional in nature and must provide scheduling which is compatible with local services in the north not only for norOntair but with other feeder-type carriers as well.

"Thirdly, Air Canada and CP Air, if Thunder Bay is granted, must co-operate with the successful carrier or carriers. The regional carrier will be unable to operate effectively and provide a reliable service unless there is full co-operation between the successful carrier and the mainline carriers. A harmonious working relationship among Air Canada, CP Air and other carriers serving the region is vital if public needs are to be met adequately.

"Fourthly, the point Dryden must be served in a manner which will adequately meet the needs of the public travelling through that point.

"Fifthly, the successful carrier must be prepared to use appropriate equipment geared to the requirements of the market.

"As we proceed in this hearing, these will be the basic points that the government of Ontario will be concerned with. The commission must examine at least these basic points in discharging its responsibility. The committee has an arduous decision to make. It is a decision that will effect the quality and level of air services throughout north-western Ontario for some time to come.

"These are times of significant change in the air carrier industry in Canada. These are the proposals that are being presented at this time. One regional air carrier has applied to purchase another. Transair has

applied to suspend service to a large geographical area of Ontario and Canada. Other carriers have applied to take over and serve this vacated area. Discussions and debates are under way in government and industry as to the best future structure of the air carrier industry. The public is increasingly concerned with efficient and appropriate air service and its costs. We urge the committee to take the opportunity presented by this hearing and make appropriate decisions which will ensure a better co-ordinated and healthy air service for Ontario."

That was the position paper put forward on behalf of the government of Ontario in Winnipeg yesterday.

MUNICIPAL LICENSING ACT

Hon. Mr. McKeough: At the appropriate time this afternoon I will be introducing a new Act, the Municipal Licensing Act for first reading. This follows my announcement to the Provincial-Municipal Liaison Committee last April that the government intended to completely overhaul the legislative provisions for municipal licensing. It also follows the publication of a paper by the Association of Municipal Clerks and Treasurers of Ontario on this subject, a discussion paper prepared in my ministry and what I hope has been a productive period of discussion with the liaison committee and other municipal representatives.

It is my intention to have the bill widely distributed to municipalities and all other interested parties to generate as much interest and comment as possible. I will not proceed with the bill until the spring so that I can take into consideration all views that will be expressed to me.

The bill is in line with a number of general government policies. It gives municipalities a general power to license business, thereby increasing the power of municipalities to make decisions. Municipalities will no longer have to come to the province for new powers when they see a local problem in need of regulation.

We feel municipal licensing should not be used as a source of revenue, so this Act eliminates licensing fees in all but two kinds of licences. The liaison committee agreed with us on this, but opted for fees that would cover administrative costs. On this we differed. The government is saying no fees. If licensing is for the purpose of protecting the public from unfair or unsafe business practices, as it should be, then the cost should be covered by general revenues.

It is also hoped that the no-fee provision will encourage municipalities to deregulate, to licence businesses only when it is in the interests of the general public to do so. The bill eliminates archaic and unnecessary sections from the Municipal Act as part of our ongoing process of revising municipal legislation.

Mr. Sargent: And a lot of staff too.

Hon. Mr. McKeough: The new legislation enables all local municipalities to license businesses. It makes no distinction between cities, towns, villages and townships. It removes all bylaw powers from police commissions and transfers them to the local council, in keeping with the principle that laws should be made by elected representatives.

Members will note I said local municipalities. This agrees with the recommendation of the clerks and treasurers and the PMLC recommendation that residual licensing power be left with local municipalities. Under the new Act, counties will not be able to pass licensing bylaws; however, we will amend the regional Acts, when the Municipal Licensing Act proceeds in the spring, to ensure that any licensing that regions are now doing continues.

There are still some problems we will have to solve before the new legislation takes effect. We have not eliminated the duplication of the provincial and municipal regulation of trades, for example. This is something I will be looking at with the Minister of Colleges and Universities (Mr. Parrott). I will also be in touch with other ministers about Acts under their aegis which affect municipal licensing to see how their provisions fit in with this new bill.

[2:15]

This legislation would come into effect a year from now, on January 1, 1979, in order to give the municipalities time to review their licensing bylaws after the legislation goes through the House in the spring. I hope at that time the municipalities will undertake a careful examination of their bylaws and eliminate those that duplicate regulation by the province or other agencies; and remove those things that can be better regulated by zoning bylaws and those that have outlived their usefulness. These steps would contribute to the process of deregulation we are committed to promote in this province.

Just adding to that briefly, this matter was discussed with my colleagues in caucus this morning and the member for London South (Mr. Walker) made a very excellent suggestion, which I think will certainly be in-

corporated in the bill when it is reintroduced in the spring. That suggestion would be to apply a sunset provision to municipal laws.

Mr. S. Smith: Sunset begins at home; the Treasurer is good at tightening everybody's belt except his own.

Mr. Conway: The member for London South may soon be good enough for the cabinet.

Hon. Mr. McKeough: In this way, those bylaws which will be passed by the municipalities under the new Act when it becomes operative would then be coming up for a review, and for possible abolition I suppose, at a period, say corresponding to the life of the council, or perhaps every three or four years.

It was an excellent suggestion made by the member for London South and I can only say to my colleagues here in the House that I would expect it would be incorporated in the legislation.

Mr. S. Smith: Apply it to yourself.

Mr. Nixon: Who's this fellow standing up here?

Interjections.

Mr. Speaker: Can we have some order please? The Minister of Housing.

Mr. Peterson: Why should the minister be in the shadow of the Chairman of Cabinet (Mr. Henderson)?

Hon. Mr. Rhodes: Why should the member for London Centre be in the shadow of his leader?

Mr. Peterson: I always look up to my leader.

SETTLEMENT CORPORATION

Hon. Mr. Rhodes: Last week the hon. member for Wentworth (Mr. Deans) asked a question of me. I would like to reply to it at this time, because it is rather lengthy and I don't want to use the time of the question period.

The hon. member for Wentworth asked some questions regarding Settlement Corporation and the HUDAC warranty program, and suggested shoddy workmanship was responsible for the company being refused a licence by HUDAC. It is my understanding that Settlement was constructing several projects last spring, some financed by Ontario Mortgage Corporation under the HOME plan, and some financed privately with units selling up to and including \$100,000, which is somewhat higher than HOME plan accommodation.

The builder got into financial difficulties in the early summer, and one of the chartered

banks put in a receiver-manager under a Supreme Court order in the latter part of August. At the same time, a trustee in bankruptcy was appointed. OMC, acting as a financial lending institution in respect of three condominium corporations financed by the corporation, started a power of sale action in respect of the Berrisfield and Quinndale developments. This was done not only to protect the interests of the corporation, but to improve the living environment for the residents already living there by completing necessary work.

OMC could not proceed with another project, also involving Settlement, in the face of a court order, but it did co-operate with the receiver-manager supplying necessary documents and plans. However, since no action was apparently being taken, OMC applied to Osgoode Hall to have the order quashed. With the consent of the receiver, it was successful.

The order was quashed on Monday, November 7. OMC awarded contracts the following day and completion work began in the Berrisfield and Quinndale projects soon afterwards. On November 10, OMC officials met with representatives of the condominium corporations and their lawyers in Hamilton to explain in detail what was happening, the financial problems and outlining OMC's plans. At the same time, these people were advised as to the steps they should take with HUDAC. For the hon. member's information, I would be pleased to send him a copy of a special newsletter from the condominium corporations, dated November 14. I believe he would be interested in it.

There was some problem of down payments and reduced mortgage assumptions for five of the purchasers in one of the corporations. It's my understanding that HUDAC has received formal applications and the matter is being dealt with at the present time. So the hon. member can see that his implication that Settlement was deregistered by HUDAC because of shoddy workmanship is not correct.

Mr. Deans: It should have been.

Hon. Mr. Rhodes: The matter centred on the company's inability to complete work because of its financial difficulties. I am not saying that Settlement was the perfect builder. In other projects there were problems and there were meetings. It was a slow process but the deficiencies were eventually rectified.

With regard to the hon. member's question about the Saltfleet development, I have asked my staff to review all of the housing in Saltfleet. I am aware of one company which has

been instructed to clear up deficiencies, but I do not know of any others. If he has information pertaining to other builders, I would be happy if he would let me know.

As I said, when the hon. member asked about Satellite City, the HUDAC warranty covers what he referred to as cosmetic repairs in the first year of occupancy and structural repairs for five years. This applies only to units covered by the HUDAC warranty, which came into effect at the beginning of this year. We are following up on units which were constructed prior to the introduction of that warranty program.

ALLOCATION OF TIME FOR PRIVATE MEMBERS' BILLS

Mr. S. Smith: May I rise on a point of order just before the question period, Mr. Speaker? The point of order is that I have looked over the scheduling for the remaining time of the House and I note there seems to be no provision made for any of the private members' bills to be actually looked at within the committees to which they were sent. I guess they are all going to die on the order paper as present plans would seem to have it.

I personally feel that was not the intention of the private members' hour. I would like to see us either stay a little longer to debate them or have the government give us some indication it might stand these bills over along with certain others I think it intends to stand over to the new session, so that at some point at least the committees would have some chance to consider these bills.

I feel very strongly about it. I don't wish to be contentious, but I do believe it was the intention of the House that things like our party's small business bill, the bill of the hon. member for Mississauga South (Mr. Kennedy), another one from the member for Middlesex (Mr. Eaton), and so on, should be debated.

I wonder if the government might take into consideration the feelings of private members on both sides of the House in this regard.

I have stated my point and I can carry on with the question period now if you like, Mr. Speaker, unless the Premier (Mr. Davis) responds.

Mr. Deans: If I may speak to the point of order—

[Applause.]

Mr. Deans: I did not expect that much applause. Thank you very much.

Mr. Riddell: Let the member enjoy it while he is getting it.

Mr. Roy: Wait until he gets the leadership, then he won't get any.

Mr. Riddell: He had better enjoy it now, because he won't get it again.

Mr. Deans: I didn't think you guys cared.

Mr. Kerrio: I like the member for Ottawa Centre (Mr. Cassidy).

Mr. Roy: That is hardly leadership dress the member for Wentworth has there.

Mr. Speaker: Can we get on with the more important business of the House?

Mr. Deans: I only wear it on the days when the member for Ottawa East is here, once every two weeks.

Mr. Roy: Where is his tie?

Mr. Mackenzie: The member for Ottawa East should go and comb his hair.

Mr. Martel: He wants to be on the record so they will know he is here.

Mr. Makarchuk: He should go and get another hairdresser.

Mr. Martel: The member for Ottawa East is on the record now. He can leave for the rest of the week.

Mr. Ashe: Mr. Speaker, get some order here.

Mr. Deans: Mr. Speaker, speaking to the point of order, since the matter has not been dealt with by the House leaders at this point, it is a matter of concern for all of us. I want to suggest one other matter that might be considered.

Since even referring the bills to committees would not mean they would automatically receive any further consideration, it might be better if we got an agreement from the government that all of the bills that have received second reading would be put back on the order paper at the beginning of the new session in order that they could not only be considered by the appropriate committee, but they could also be given the opportunity for third reading.

Mr. S. Smith: That is what I said.

Mr. Roy: That is what he suggested.

Mr. Deans: We don't have that understanding now. The committees that have already been structured have their workload established. It might be better that we simply get an understanding that the bills will go back on for second reading in the next session and that they will then be sent to committee in order that they could be given third reading at some appropriate time.

Mr. S. Smith: I believe that is what I said.

Mr. Deans: No it was not, because they cannot be dealt with by the committees.

Hon. Mr. Davis: I think this is a matter that could very easily be discussed with the House leader. There are a number of vehicles whereby some of these bills could be further considered. It may be that some private members, on careful reflection over the recess, might want to reassess their own position as it relates to some aspects of the legislation that has been introduced; and of course there is nothing to preclude the reintroduction of the bills.

Mr. Nixon: They won't come forward.

Mr. Martel: You're looking bad now.

Hon. Mr. Davis: Well, Mr. Speaker, you know you can call it by some other name, but I would suggest that—

Mr. Conway: Does the member for Parry Sound (Mr. Maeck) agree with that?

Mr. S. Smith: Let's stay here and discuss them then.

Hon. Mr. Davis: Mr. Speaker, the Leader of the Opposition wants to stay here an additional period of time to discuss the private members' bills.

Mr. S. Smith: That's right.

Hon. Mr. Davis: That, of course, is one option that is always available to us.

Hon. Mr. Rhodes: Let him stay, he won't be long anyway.

Hon. Mr. Davis: However, I would suggest that this is a matter to be discussed by the House leaders; I'm sure with their collective wisdom they will come up with a solution that is acceptable to the members of the House.

Mr. Eakins: Mr. Speaker, on a point of order.

Mr. Speaker: I think it is becoming a debate.

Mr. Eakins: I think it's a very important one.

Mr. Speaker: We have an undertaking from the Premier that it will be discussed among the House leaders. We cannot resolve it here. It's getting down to a debate. I'll recognize the hon. Leader of the Opposition for a question.

Mr. Eakins: Is it back to the lottery for the members who have already submitted their bills?

Mr. Hodgson: Sit down.

Mr. Martel: Careful now.

ORAL QUESTIONS

JOB CREATION

Mr. S. Smith: My question is for the Premier: Since the number of unemployed young people has risen by 7,000 in the recent statistics during the month of November, and since the summer program which the government introduced has obviously run out; why will the Premier not now introduce a winter program similar to the one that was operated this summer, along the principles that we have suggested, supplementing the income of new employees so as to mitigate the effects of what is obviously going to be a very harsh winter of unemployment?

Hon. Mr. Davis: Mr. Speaker, we're very pleased with the results of the program that was introduced for young people during the summer months. There is a national program, as the Leader of the Opposition well knows, and I would suggest that we await any policies that may emerge in the budget that will be forthcoming.

An hon. member: When winter's over.

Mr. Martel: That will help them; that will really help.

Hon. Mr. Davis: It is not our intention at this moment to re-introduce that program, as much as we are concerned about the employment opportunities for young people.

Mr. Wildman: No election this winter, eh?

Hon. Mr. Davis: I would just say to the Leader of the Opposition, we're aware of his point of view and—

Mr. Cassidy: Doing nothing about it.

Hon. Mr. Davis: Mr. Speaker, the members opposite can say we're doing nothing about it.

Mr. Cassidy: That's what we said.

Mr. Swart: It's your concern.

Mr. Laughren: That's what you just admitted to.

Hon. Mr. Davis: That's the traditional posture for the member for Ottawa Centre, and I understand that.

Mr. Samis: Do you want to tell us what you're doing?

Mr. Cassidy: We'll take that message across the province too.

Hon. Mr. Davis: I'll tell you, it would be a great improvement over the message you're presently taking across the province.

Hon. Mr. Rhodes: The member for Ottawa Centre did that last June; all wrapped up in the same plastic bag.

Mr. S. Smith: By way of supplementary question, what specifically—and I use the word "specifically"—

Mr. Samis: Nothing.

Mr. S. Smith: —is the Premier recommending, either to the Prime Minister of Canada or to his own cabinet, to deal with serious unemployment over this winter in Ontario? Does he have a single specific measure, or has he basically just accepted, as the budget paper seemed to do, a high level of unemployment in Ontario?

Hon. Mr. Rhodes: Get the cameras on; they are really putting on a show.

Hon. Mr. Davis: Mr. Speaker, we have not accepted a high level of unemployment in this province. The Treasurer has made it clear, as I have on a number of occasions, that the present level of unemployment is not acceptable, and we don't minimize it.

Mr. McClellan: What will solve it?

Mr. Wildman: Tell everybody you don't accept it.

Hon. Mr. Davis: We've also made it very clear that we don't believe the answer is in massive government expenditure—

Mr. Wildman: What is the answer?

Hon. Mr. Davis: —and development of programs, that perhaps at best are very short-term. We are maintaining our approach for limiting expenditure by government—

Mr. Samis: We're Herbert Hoover today.

An hon. member: A chicken in every pot.

Hon. Mr. Davis: —in the anticipation, and one, I think, can—

Mr. Makarchuk: Known as public sector bashing; that is not a program.

An hon. member: He's looking for a scapegoat.

Mr. S. Smith: Ignore that; I'd really like an answer.

Mr. Peterson: Just stand there and evince concern.

Hon. Mr. Davis: Mr. Speaker, I'm delighted to have these interjections in the recognition—

Mr. Samis: You have nothing else to say.

Hon. Mr. Davis: —that to solve this problem on a more lasting basis, it does require, on the part of all governments, a degree of intestinal fortitude that is not always easy to demonstrate.

Mr. Makarchuk: How about some cerebral fortitude?

[2:30]

Hon. Mr. Davis: I've said in this House before, Mr. Speaker, it would be much easier for this government to say yes to a lot of, I should say constructive, suggestions that are made; and I don't minimize those. It would

be a lot easier for us to say, "Yes, let's increase the deficit, or in some way expend further taxpayers' money."

Mr. Wildman: Have you anything specific?

Hon. Mr. Davis: But, Mr. Speaker, we do not believe that on a provincial basis, alone in particular, this will provide any worthwhile answer.

There will be two or three matters that I will be bringing to the attention of the Prime Minister and the other first ministers, on the assumption there is a conference on the economy of this country in February; and it's my expectation, now that Mr. Levesque has indicated he will participate in such a conference, that the Prime Minister will announce the convening of this meeting sometime this week. That's just a guess.

Mr. S. Smith: Hurray, hurray. What good will that do?

Hon. Mr. Davis: Mr. Speaker, the Leader of the Opposition can say hurray, hurray in a very cynical way. If he doesn't want such a conference; if he doesn't think there is some leadership necessary—

Mr. Samis: The answer is no; you have nothing specific.

Mr. S. Smith: What proposals will you offer at the meeting?

Hon. Mr. Davis: —if he doesn't recognize that the basic economic problems are really within the jurisdiction of the government of Canada, then as I've said on a number of occasions he still has a lot to learn.

Mr. S. Smith: So what are you doing?

Hon. Mr. Davis: Mr. Speaker, we're concerned, but I'm not going to lead the members of the House astray and say we have a large number of short-term programs up our sleeves; that, in our view, would not deal realistically with the problems we face.

Mr. S. Smith: Only to learn that you can't run this province economically.

Mr. Conway: The Charter is not a bad start.

Mr. Lewis: While I'm sure the Premier realizes the seasonally-adjusted rate of unemployment and number of unemployed in Ontario this month is the same as last, does he also realize that between October and November, 1977, there was the single most dramatic drop in the last year in the number of people actually working? Does he not realize we are some 25,000 jobs down amongst the people actually employed? And does he not, therefore, recognize that some job creation initiative must be undertaken by his government to take effect in the coming

winter months? It is not enough, surely, to talk about his intestinal fortitude; what is the Premier going to do about the fortitude of the people who are not working?

Hon. Mr. Davis: Mr. Speaker, we're concerned about the people who cannot find employment, I don't minimize that; that concern is not a market cornered by the members opposite. I think the leader of the New Democratic Party, perhaps with greater sensitivity than the Leader of the Opposition, recognizes that we have this same concern.

Mr. Lewis: Then do something.

Mr. Peterson: You're too cheap.

Hon. Mr. Davis: It may be, but I'll not pursue that any further.

Mr. Lewis: I don't blame you.

Mr. Sargent: That is pretty shaggy.

Mr. Lewis: It is not productive.

Mr. Conway: That's not very gracious.

Hon. Mr. Davis: Mr. Speaker, I would say to the leader of the New Democratic Party,—

Mr. Lewis: On this there is no bridge across the chasm between us. I say to the Premier, through you Mr. Speaker, do something about job creation. I can stimulate the Premier into abuse very easily. It is about time members on that side over there stopped posturing about jobs.

Hon. Mr. Davis: I'm not looking for any bridge, and I've got to tell the member at this moment that in answer—

Mr. Speaker: Order. The hon. member for Grey-Bruce has a supplementary.

Mr. Sargent: The headlines in today's Toronto Star were: "The Worst Unemployment Since the Great Depression." Accepting the fact that the meeting of the first ministers—

Hon. Mr. Rhodes: Talk to Trudeau.

Mr. Sargent: —with Trudeau is a decision day to decide the route we're going to take in Ontario in dealing with 300,000 unemployed people; and realizing that the Premier is locked in financially, with an upcoming billion and a half deficit, and that he has absolutely no programs in place at all to provide jobs; I ask the Premier as a supplementary, will he in view of this upcoming meeting, appoint an all-party committee, based on a make-work project as was the federal program in 1963 when they had seven per cent unemployment? They put it through with your co-operation here and it brought it down to three per cent. I will send you the facts of this now, sir, and I would ask you seriously to look at an all-party program to put Ontario back on track.

Hon. Mr. Davis: Mr. Speaker, I appreciate the suggestion from the member for Grey-Bruce. I really can't say that I think that an all-party committee to assist us in the discussions in February would necessarily be the most helpful route to go.

Mr. Makarchuk: Not as good as your budget in April.

Hon. Mr. Davis: While I appreciate the suggestion, I would have to say to the hon. member that I really haven't considered that and I doubt that sort of thing would emerge.

I would also point out that while we are concerned about the figures, if you analyse them carefully they also demonstrate something else, and if you look at the headlines in today's Star, I am not disputing them. The headlines do reflect the national picture. I don't say that Ontario is that much better than the other provinces of Canada, but I think it is somewhat better than the majority.

Mr. McClellan: You are Herbert Hoover.

Hon. Mr. Davis: I think the figures will also show—and it has been no mean accomplishment—that over a year ago there have been 100,000 new jobs created in this province and the figures there show that.

Hon. Mr. McKeough: One hundred and thirty-seven thousand.

Mr. Foulds: That is like two trees planted for every one that has been cut.

Mr. Speaker: The hon. member for Hamilton West with his second question. We have spent 10 minutes on this one.

Mr. Peterson: On a point of order, Mr. Speaker, there have only been two supplementaries to this very important problem.

Mr. Speaker: There have been three supplementaries and they have all been lengthy.

Mr. Peterson: They should have been cut down.

AUTO PACT

Mr. S. Smith: Another question for the Premier on a related topic: Is he aware of the increase of \$265 million in Canada's auto trade deficit with the United States, bringing the total to close to \$1 billion in a 10-month period? Can he tell us whether he plans now to call together the automobile industry, the auto parts industry and the labour unions that are involved to formulate an Ontario strategy regarding the auto trade matter, and then to make that particular strategy public and take it before the meeting that he's talking about with the Prime Minister, which is going to occur in the near future? Why can't Ontario take a public position about the auto

trade which is so important to our own future economically?

Hon. Mr. Davis: Mr. Speaker, that of course has already been done.

Mr. McClellan: Don't be too sure.

Hon. Mr. Davis: There have been a number of discussions internally within the government, with the auto parts manufacturers, with the automobile producers and with the ministry in Ottawa. I have discussed this with the Prime Minister. I am relatively satisfied that this will be a matter on the agenda in February and everything that the Leader of the Opposition suggested we do has in fact been done. This has been made very clear to the government of Canada, where, of course, the responsibility for alterations in the existing auto pact lies. In fairness to him, I think the Prime Minister of Canada now has some sense of this priority in this province and hopefully it will demonstrate itself in some alterations.

Mr. S. Smith: May I ask what did the Premier recommend to the Prime Minister of Canada during his discussion with him with regard to the auto pact, in specific terms?

Hon. Mr. Rhodes: Doesn't he talk to you, Stuart?

Hon. Mr. Davis: To put it in its most simplistic fashion, so that it will be understood, we suggested to the Prime Minister in terms that he understood—not only did he understand them, he understood why I was suggesting it, very simplistically—we want to see more of the automobile production and the parts manufacturing done in the province of Ontario. That, in its simplest terms, is what was suggested to the Prime Minister and that, in essence, is really what it's all about.

Mr. S. Smith: How is the government going to deal with the companies to make sure they shift production here?

Mr. Cassidy: Is the Premier aware of any co-operation from the automobile companies and the auto parts manufacturers in this regard? If so, is the Premier satisfied with that co-operation? If not, what is the Premier going to do about it?

Hon. Mr. Davis: I would say the auto parts manufacturers are totally co-operative, and that's a very important part of the industry. They want to see more, naturally. I can't quite understand the question. The automotive parts manufacturers have made their views known publicly in this province. They want to see more of that work done by Canadian manufacturers. We have ac-

cepted this. Not only have we accepted it, we have encouraged it.

Mr. Cassidy: You answered only half the question.

Mr. Breaugh: Mr. Speaker, I wonder why the Premier is making that magnificent gesture to save what we already know has to be saved. Would he tell the House what he is doing to save the production facilities that we now have, the jobs that are presently there? Given that we have already had layoffs at Ford in Oakville and that there is soon to be another coming from my loving and caring multi-national in Oshawa and another one in Windsor, will he tell the House what plans he has to see that those jobs in production are retained?

Hon. Mr. Davis: I think that answer lies, really, in what I have already said. Again, in its most simplistic fashion, we shall urge upon the government of Canada—

Mr. Breaugh: The government of Canada does not build cars. Come on.

Hon. Mr. Davis: —that in their negotiations with the government of the United States a greater recognition is given to the need for—and the economic pluses—in having more of the work done in this province. I don't have any other way of expressing it to the member.

Mr. Breaugh: You don't care about losing those jobs.

Hon. Mr. Davis: It has been well stated; it has been documented; they understand it; and I think that as far as certain ministries are concerned in Ottawa they are in agreement with it.

Mr. Swart: Just speaking in generalities.

LAYOFF OF NICKEL WORKERS

Mr. Lewis: A new question of the Premier: What happened to the Falconbridge statement?

Hon. Mr. Davis: I have certain information with respect to Falconbridge that is approximately two weeks and six days old. Rather than discuss that information—which I think is relatively public but I am not sure of that—with members of the House, the chairman of the board and other officials of Falconbridge are meeting with ministers and officials of this government this afternoon.

I expect to be meeting with the chairman of Falconbridge myself tomorrow. I wanted to meet with him prior to any discussions on Thursday and rather than get into a discussion on information that may not be as up to date as information we will get this

afternoon, I would ask the leader of the New Democratic Party to await the information that we get in those discussions so that we will be dealing on a factual basis, rather than in figures that may or may not be accurate.

Mr. Lewis: Mr. Speaker, can the Premier understand the frustration that necessarily exists among members opposite if on Thursday we are presented with another fait accompli equivalent to what occurred with Inco, without any opportunity to get some advance glimmering? Is the Premier saying that because his cabinet ministers are meeting with Falconbridge today and the Premier himself is meeting with the chairman of the board tomorrow some kind of layoff, whether all at one point in time or phased over time, is coming from Falconbridge? If so, is there some way we in the Legislature can prepare for it, perhaps by bringing Falconbridge before the select committee, as well as Inco?

Hon. Mr. Davis: I think the hon. leader of the New Democratic Party is really very familiar with the existing situation. There was an announcement made last August or September; the plant was shut down for a month, two weeks or whatever period of time, and certain figures were used in those discussions. I can't yet give the leader of the New Democratic Party any information that is different from those figures. I don't want in any way to mislead the House by suggesting that those figures may still be the same today because they may not be. I honestly don't know and will not know. If the leader of the New Democratic Party feels that things might turn out to be somewhat different from the situation in September and October—and our latest information was more recent than that, and I don't want to prejudge the information we get—I would be prepared to consider his suggestion. I don't want a lot of speculation; I don't think it helps, until we have the latest views and position of Falconbridge. We will not know that until late this afternoon or perhaps even tomorrow morning.

Mr. Foulds: Supplementary: Could the Premier tell us who sought the meetings and why they are being held specifically at this time?

[2:45]

Hon. Mr. Davis: I can't say who sought the meetings. I can only say the meeting that is taking place this afternoon had been arranged prior to the question being raised by the member's leader yesterday. There have been discussions. The leader of the

NDP asked me some two or three weeks ago to check into the potential of Falconbridge and what might emerge, and that has been done.

I would point out to the hon. member that unfortunately—or fortunately; who knows?—nothing remains static. What a position may have been a month ago could change, plus or minus, today in that particular industry. I am very reluctant to get into any further discussion that could be based on information that turns out to be non-factual.

This is not a point of order, Mr. Speaker, but there was a report in the evening paper that out of the Premier's office the figure of 1,000 had emerged. I want to assure hon. members of the House that we have had no such figure. I really don't know where that figure came from. I just want to assure members that I have no knowledge at this moment of any figures other than those that have already been publicly discussed. They are, I think, quite familiar to the members opposite.

MASSEY-FERGUSON LAYOFFS

Mr. Lewis: A question of the Minister of Labour: Is the minister aware of the layoffs now under way at Massey-Ferguson? I believe 80 workers were given notice and more layoffs are possibly pending. Has the ministry been notified?

Hon. B. Stephenson: Yes, Mr. Speaker.

Mr. Lewis: Supplementary: May I ask the minister, were the workers involved given adequate notification under the Employment Standards Act? Does the minister have any indication of the extent of future layoffs at Massey-Ferguson? What the devil are we going to do in this province with the repetitive succession of layoffs from Sudbury to Oakville to Massey-Ferguson to Niagara-on-the-Lake? They never end and this government won't create jobs.

Hon. Mr. Davis: Nonsense.

Hon. B. Stephenson: Mr. Speaker, it would seem to me—to answer the second portion of the hon. leader of the third party's question—the thing that we must do is to create the climate in the province of Ontario which will encourage investment.

Mr. Swart: You did that 50 years ago.

Hon. B. Stephenson: I would think that the climate has to continue to be encouraged and created—

Mr. Swart: Great Depression philosophy.

Hon. B. Stephenson:—which has been present in this province for so many years—

Mr. Warner: It would create a better climate if you resigned.

Hon. B. Stephenson:—in which it has led the country in terms of employment, in terms of worker benefits and in terms of the kinds of remuneration which workers get.

I think we should make a strong plea that all of those who have any extra money at all—including all pension funds, such as union pension funds—should consider the possibility of investing those funds in Canadian-owned industries. This certainly would encourage the development of new jobs.

Mr. Deans: Where are they going to put it?

Mr. Lewis: Falconbridge? In Inco?

Mr. Warner: Hot air.

Mr. Lewis: So it goes into Indonesia?

Hon. B. Stephenson: That's only one of the ways in which we might encourage new jobs.

In answer to the hon. leader of the third party's first question, I would say that to my knowledge, indeed Massey-Ferguson did comply with the Employment Standards Act.

Mr. Lewis: How extensive will the layoffs be?

Hon. B. Stephenson: I will get the statute.

Mr. Peterson: Supplementary: A question on the minister's response about the suggestion that pension funds should be going into investments here. Does the minister take that same view with the public pension plans that the province controls? Does she feel that money should be going into private enterprise as well, to encourage investment in this province, rather than spending it on government deficits?

Hon. B. Stephenson: I'm not sure that that is a reasonable sequitur to the suggestion I was making.

Mr. Sargent: No, it sure as hell isn't.

Mr. Lewis: No more unreasonable than your nonsense.

Hon. B. Stephenson: The suggestion I was making was that each one of us—

Mr. Breithaupt: Like a government.

Hon. B. Stephenson:—as individuals and each one of us who belongs to any kind of association with a pension plan should, I think, be interested in encouraging the development of industry in this country—

Mr. Nixon: That's right—help finance the government deficit.

Hon. B. Stephenson:—not only for our future, but for the future of all of the other people—

Mr. Roy: You should talk to Darcy.

Hon. B. Stephenson: —who are living here and for those who will come after us.

Mr. Germa: Supplementary: Is the minister not aware that some of the pressure could be alleviated if certain tradesmen could go to the tar sands? Because of the lack of a reciprocal agreement between the provinces of Ontario and Alberta, say in the case of stationary engineers, these people are precluded from taking jobs in the Alberta tar sands. Why doesn't this province enter into reciprocal agreements so that our certificates are recognized in Alberta and vice versa?

Mr. Makarchuk: And Quebec.

Hon. B. Stephenson: It would be, I think, very easy for the trade unions involved to develop the kind of reciprocal arrangements which could facilitate this—

Mr. Deans: That is not helpful.

Hon. B. Stephenson: —because exactly the opposite thing was happening. The obverse of that was happening not very long ago when Alberta workers who wished to come to Ontario were not admitted because the Ontario unions would not accept them. There is room for a great deal more co-operation in this country in all areas.

PIPE PRODUCTION

Mr. Kerrio: Mr. Speaker, I have a question of the Premier. Prompted by the problem that presented itself with the lay-offs at Inco, I questioned the Minister of Industry and Tourism (Mr. Bennett) and the Premier regarding the manufacture of the pipe for the Alaska Highway pipeline. It has taken three weeks for the Minister of Industry and Tourism to come to the conclusion that we can make it. Now all we have left to do is sell it.

That prompts me to ask the second question. Is the Premier aware that federal funds are being considered to build a stainless steel plant in Cuba—this question was raised by the third party last week—and that up to date that money has been stopped because of a question raised in the federal House by the federal member for Welland, Dr. Railton? Is the Premier concerned that we might have federal funds going to Cuba to build a steel plant in direct competition with a plant in Welland, Ontario, one of the largest stainless steel producers, which, incidentally, uses quite a large nickel content in its manufacture of stainless steel? Would the first minister, when he meets with those other ministers and the first

minister of Canada, make that position known, that we are gravely concerned with the climate as it exists as to retaining the jobs that we have?

An hon. member: Speech.

Mr. Kerrio: I think it's a good one, don't you?

Hon. Mr. Davis: Mr. Speaker, I am trying to understand the question.

Mr. Breagh: Was it not simple enough for you, Bill?

Hon. Mr. Davis: I am not here to defend either the economic policy or the foreign policy of the government of Canada. I have never presumed to do that. I let those fellows opposite do that with some degree of regularity, like just about every day.

Mr. Mancini: Rebates on cars.

Hon. Mr. Davis: To the member for Niagara Falls' question, "Am I concerned about the retention of jobs here in this province?" my answer is very simple, "Yes."

Mr. S. Smith: Are you asking anything on the Cuba matter?

Hon. Mr. Davis: Not only am I concerned about their retention, I am concerned about the expansion of job opportunities in this province. If the member looks at the figures today, if he sees what in fact has been accomplished, he will see that this province, almost including Alberta now, has been more successful than any other province in Canada in the creation of new jobs, even during a rather difficult economic year.

Mr. Kerrio: Supplementary, Mr. Speaker: Would the Premier consider it reasonable to ask the assurance of the federal government to let us know in this province of Ontario when federal money might be extended to go in direct competition with corporations and businesses within the province of Ontario? Does he think that would be unreasonable?

Hon. Mr. McKeough: Find everything we are doing wrong to ask questions about. This is the third question.

Mr. Kerrio: Are you interested in jobs? Interjections.

Mr. Kerrio: Are you really interested?

Hon. Mr. McKeough: This is Ontario, it isn't Canada.

Mr. Kerrio: That's right, and I am here to protect it.

Mr. Speaker: Order. Does the Premier have a response?

Hon. Mr. Davis: Mr. Speaker, after all that discussion, I am trying to hark back to the question. Does the member want me to raise

with the Prime Minister of Canada the government of Canada's foreign policy?

Mr. Kerrio: Yes.

Hon. Mr. McKeough: What nonsense. What nonsense.

Hon. Mr. Davis: I will raise with the Prime Minister of Canada those matters that are of economic concern to the people of Ontario. Yes, that I shall do.

The question of their broader foreign policy, Mr. Speaker, I really think is a matter that I am not capable of debating here in this House and is something that has to be dealt with in the nation's capital, not here.

Mr. S. Smith: It's never stopped you before.

Hon. Mr. Davis: We don't employ ambassadors to Cuba. We don't have diplomatic relations with other countries of the world.

Mr. Sargent: Maybe you need some help.

Hon. Mr. Davis: Actually that is a matter of federal responsibility; it is not ours.

An hon. member: What about the US auto pact?

An hon. member: Bert Lawrence hasn't volunteered?

Mr. Cassidy: Mr. Speaker, can the Premier say when the province intends to have an industrial strategy, so that we have a clear lead to the development of our industry which goes beyond the ranting and the raving of the provincial Treasurer, and will prevent our simply reacting to single initiatives by the federal government?

Hon. Mr. Davis: Mr. Speaker, the very distinguished member of consumer and corporate affairs of course states the obvious answer that he has to all of our economic problems, I am sure it is a message he is taking right across the province and we won't labour it here today. Do we have an industrial strategy—

Mr. Breagh: No. No.

Hon. Mr. Davis: —within the context of a provincial response? The answer to that is yes.

Mr. Martel: What is it?

Mr. Breagh: Nonsense.

Mr. S. Smith: Wait and see.

Hon. Mr. Davis: Is there a national industrial strategy? The answer to that is no—

Mr. Mackenzie: Pass the buck.

Hon. Mr. Davis: —and we have said so for the past seven years. I have said, as recently as my presentation of some three or four weeks ago, that one thing we need, and I have said this I guess about every three months for six years, is a national economic

strategy, national economic objectives, and this hopefully is now being understood by the member's friends in the government of Canada.

Interjections.

Hon. Mr. Davis: Hopefully, it is now being understood.

Mr. Sargent: How about plans for Ontario?

Mr. Mackenzie: How long can you pass the buck?

HYDRO LOAN PROGRAM

Mr. G. Taylor: Thank you, Mr. Speaker. A new question to the Treasurer.

An hon. member: Another set up.

Mr. G. Taylor: Since the Treasurer answers the questions from this side of the House with such exuberance and zeal—

Mr. Conway: He wants another television performance.

An hon. member: Exuberance and zeal, that's what you cover mushrooms with. He's paying attention now.

Mr. G. Taylor: —is Ontario Hydro going to borrow in New York and if so, could he supply us with any facts he has at this time as to the borrowing of Ontario Hydro in the New York bond markets?

Mr. Conway: Hydro is out of control and the Treasurer knows it.

Hon. Mr. McKeough: Mr. Speaker, in reply to the member's question, Ontario, on behalf of Ontario Hydro, registered in New York at the end of last week for a loan of \$250 million which will be received in 1978. As their 1977 borrowing program has been completed for some time, this will be the first step in their 1978 borrowing program. But I am glad the member asked the question, perhaps there's something here I just might put on the record.

An hon. member: You just happen to have the answer.

Mr. Sargent: Mr. Speaker, he's out of order. He's out of order. Cut him off, Mr. Speaker.

Mr. Germa: That's an abuse of the question period.

Hon. Mr. McKeough: Mr. Speaker, in connection with the registering, it is interesting to note—

Mr. Conway: No wonder the Attorney General (Mr. McMurtry) doesn't bother to come.

Hon. Mr. McKeough: —that yesterday it was announced that Standard and Poor's Corporation had given a triple-A rating—

An hon. member: I picked it right out of the air.

Hon. Mr. McKeough: —to the bond offering of the province of Ontario.

An hon. member: That's not an answer.

An hon. member: Tell them about your triple-As.

Hon. Mr. McKeough: Mr. Speaker, I am sure all members will share my pride—

Mr. Sargent: So you are closing hospitals.

Hon. Mr. McKeough: —with these words, Standard and Poor's noted that good balance has been maintained between current revenues and operating expenses, despite growth of total borrowing requirements—

Interjections.

Hon. Mr. McKeough: —for capital programs. Public sector debt per capita is among the lowest in Canada when compared with personal income and debt service levels are similarly moderate, the rating agency said.

Mr. Mackenzie: What about jobs? What about jobs?

Interjections.

Hon. Mr. McKeough: Mr. Speaker, I am sure all members on both sides are proud of what we have achieved in this province under the leadership of the Premier.

Interjections.

Hon. Mr. McKeough: Mr. Speaker, while I am on my feet—really it's a point of order. I want to correct something that the Premier said.

Mr. Lewis: Mr. Speaker, he is just getting started.

Hon. Mr. McKeough: The Premier said—the members don't want to hear this, do they? They really don't want to hear it—

Mr. Lewis: On a point of order? He is just getting started. For God's sake, stop him now.

Interjections.

Mr. Speaker: What is your point of order?

Hon. Mr. McKeough: Mr. Speaker, my point of order is that I want to correct the Premier, who said we had created 100,000 new jobs in the last year.

Interjections.

Hon. Mr. McKeough: The fact is 137,000 jobs have been created in this province in one year's time.

Mr. Speaker: Oral questions? The hon. member for Grey.

Mr. Nixon: There is no sense Roy coming back now.

Mr. Makarchuk: Your hands must be sore.

Mr. McKessock: Thank you, Mr. Speaker. I have a question—

Mr. Speaker: No supplementary to that.

Mr. McKessock: I have a question of the Minister of Energy.

Mr. Sargent: Such arrogance.

Hon. Mr. Davis: I am so modest.

Interjections.

Mr. Speaker: What has got into this House this afternoon? Do you want a half an hour recess because that is what I will give you? Now let's have some order.

[3:00]

HYDRO RATES

Mr. McKessock: I have a question for the Minister of Energy. In view of the fact that rural users of hydro are charged considerably more per kilowatt hour than urban people, in some cases 50 per cent more, and in view of the fact that a lot of this power that is coming to the cities is travelling across farmland and rural communities by way of unwanted Hydro corridors, does the minister not feel it is time everyone pays a similar rate for hydro in Ontario the same as they do in most other provinces across Canada?

Hon. J. A. Taylor: For the information of the member, I have a concern—I may say a very deep concern—in connection with power costing and pricing in this province. For that reason, I referred this whole issue to the Ontario Energy Board to review. Submissions have been made and are being made to that board.

There is no doubt in my mind there are discrepancies. I do not wish to comment however until I receive that report from the Energy Board.

Mr. McKessock: Supplementary: In view of the fact that his colleague, the Minister of Transportation and Communications (Mr. Snow) looks at things in a different light to that which the Minister of Energy and Hydro do, because he cuts costs to those in the north who have added costs, such as for car licences, while the Minister of Energy is not even giving rural users of hydro equal charges but is charging them more, would this minister mind having a talk with the Minister of Transportation and Communications on policy for distribution of charges?

Hon. J. A. Taylor: I would suggest to the member there are communities in northern Ontario which are actually being subsidized in some way in terms of their hydro consumption. If he would like to pursue that

matter with me further, I would be delighted. As the member knows, we also have a northern electrification program dealing with small communities. If he would like to pursue the costing and the pricing in connection with those communities, I would be delighted to pursue that as well in order to illustrate to him that it is certainly not a matter of the northern communities being discriminated against.

BRITISH AMERICAN BANK NOTE COMPANY DISPUTE

Ms. Gigantes: I have a question for the Minister of Labour concerning the dispute between the Steel Plate Examiners local and the British American Bank Note Company in Ottawa. Has the minister reviewed the report of the mediator and is she now prepared to see that the Employment Standards Act is interpreted to mean women engaged in work of similar skill or higher skill within a firm should be entitled, at the very least, to the same levels of pay as their male co-workers?

Hon. B. Stephenson: I have reviewed the report of the mediator in this case and it is obvious to me from the preliminary report that the problem is one of equal pay for work of equal value rather than equal pay for equal work. Unfortunately, we do not have any legislation in this country—

Mr. Laughren: The minister uses that when it suits her purpose.

Mr. Wildman: When is she going to introduce it?

Hon. B. Stephenson: —to cover the concept of equal pay for work of equal value. It is being examined very carefully.

Mr. Roy: What is the minister waiting for?

Mr. Germa: Why does this government hate women?

Hon. B. Stephenson: A conference is being arranged which will be—

Mr. Lewis: Another one? There have been about 10 already.

Hon. B. Stephenson: No, we have not had 10. We have had no conferences on equal pay for work of equal value and will not until January of next year.

Mr. Lewis: Endless conferences.

Mr. Mackenzie: Government by conference.

Hon. B. Stephenson: At this time, I am happy to say there have been contacts between the mediator and both parties yesterday and today. It is my understanding that

tomorrow the parties will be meeting without the mediator. I think there is some hope there may be a settlement here.

Ms. Gigantes: They are meeting all the time.

Hon. B. Stephenson: When there is a settlement, we shall be very pleased to carry out the complete investigation which is necessary in order to ensure that the very fine letter of the law is not in any way being avoided by this company.

Ms. Gigantes: Supplementary: Is the minister saying she is satisfied to see a situation where management can refuse to budge when what is being offered in terms of willingness to provide their labour by these women is a two-year program to bring them up with their high skills to the level of pay of a new male employee who sweeps floors?

Hon. B. Stephenson: That is not what I am saying.

Ms. Gigantes: What is she saying?

Mr. Cassidy: It is a blaring, blatant injustice.

DECOR METAL PRODUCTS DISPUTE

Mr. G. E. Smith: Mr. Speaker, I have a question for the Minister of Labour: What is the involvement of the minister or her staff in the strike of the employees at Decor Metal Products in Midland, which is the largest employer in the area? This strike, if it continues, will have a devastating effect on the economy in the area.

Mr. Mackenzie: Set up another commission of inquiry.

Hon. B. Stephenson: Mr. Speaker, the mediation-conciliation branch has been involved in attempting to arrange meetings between the two parties to this dispute. It is my understanding that although they have not been successful as yet, it looks as though there will be a meeting arranged within the very near future.

Mr. Speaker: The hon. Solicitor General has the answer to a question previously asked.

MISCONDUCT BY POLICE

Hon. Mr. MacBeth: Thanks, Mr. Speaker. Last Thursday, the member for York Centre asked me if I'd seen a letter circulated among a number of lawyers concerning possible misconduct by members of the York regional police force. The member inquired if I would send a representative of this min-

istry to a meeting which was planned to discuss the matter.

Since that time, I have received a letter from the president of the York North Law Association indicating that the meeting is to be held in private and that discussions are to be confidential. I therefore do not plan to have a ministry representative attend the meeting.

RESOURCE EQUALIZATION GRANTS

Mr. Bradley: A question for the Treasurer, Mr. Speaker: Last week I asked the Treasurer if he was prepared to convene a meeting of the mayors of those municipalities who feel they are adversely affected by the resource equalization grant from the province, and the minister replied he was not.

Mr. Swart: Why don't you vote for equalization?

Mr. Bradley: Would the minister then be prepared to meet with these municipalities or representatives of these municipalities if they were to request such a meeting, either as a group or individually?

Hon. Mr. McKeough: Obviously, if they request it. Certainly.

Mr. Bradley: And would the minister be prepared to provide any data that they would ask to confirm their particular statistics? For instance, his ministry may have statistics that would either confirm their contentions, or suggest that their contentions were not correct.

Hon. Mr. McKeough: I think they have the data now, Mr. Speaker, but if there is something else they need, yes.

Mr. Conway: You're a lamb to be quiet on that regard.

Mr. O'Neil: You're no fun like that, Darc.

AUTOMOBILE PURCHASES

Ms. Bryden: I have a question for the Chairman of Management Board. About 10 days ago, I asked the Chairman of Management Board if he was planning to revise the request-to-purchase form in the manual of administration relating to the kinds of automobiles and options which the government buys for ministers and deputy ministers. He replied, "We're always looking at items in the manual of administration." I would like to ask the Chairman of Management Board specifically, if he is in favour of using taxpayers' money to purchase such luxury items as AM-FM stereo radios, air conditioning, electric clocks and six-way power bucket

seats, all of which are on the list of 23 options available to ministers and deputy ministers?

Mr. Riddell: Shame.

Mr. Peterson: Don't get excited now, Jimmy.

Hon. Mr. Auld: Mr. Speaker, obviously since they're in the manual of administration, I must be in favour of them.

Ms. Bryden: Supplementary, Mr. Speaker: Could the Chairman of Management Board inform us which of the 23 options were requested by the Minister of Industry and Tourism to bring his car purchase up to \$9,749?

An hon. member: All of them.

Hon. Mr. Auld: Mr. Speaker, I think that question should be asked of the minister responsible, the minister who has the vehicle. I can find out; he can tell you a lot faster.

Mr. Breaugh: Did he get the baby love-seat option?

Mr. Breithaupt: Is he buying it?

An hon. member: Is that a reclining seat?

Mr. Roy: May I ask a supplementary?

Mr. Speaker: No, the hon. member for Wentworth North was going to ask one.

Mr. Cunningham: Mr. Speaker, I wonder if the Chairman of Management Board would indicate to us the rationale for deputy ministers who are compensated in excess of \$40,000 a year having government-supplied cars?

Hon. Mr. Kerr: Forty?

Hon. W. Newman: Forty?

Hon. Mr. Davis: They're ahead of us.

Mr. Reid: Everybody is ahead of you.

Hon. Mr. Kerr: Not in committee meetings.

Hon. Mr. Auld: Deputy ministers are entitled to a vehicle as part of the perquisites of office because they use them in their business.

Hon. Mr. Rhodes: Same as opposition leaders.

Hon. Mr. Auld: Those who use them for personal purposes pay a fixed sum—I think it's \$55 per month—

Mr. Kerrio: Two dollars a month.

Hon. Mr. Auld: —plus the income tax requirement—I can't think of the exact phrase —where they are being supplied a company vehicle.

INDUSTRIAL MILK REGULATIONS

Mr. Wiseman: Mr. Speaker, I have a question of the Minister of Agriculture and Food.

In view of the fact that many milk shippers in eastern Ontario have run out of industrial milk quota, has the minister or members of his staff been talking with Mr. Whelan, his federal counterpart, with a view to assisting those farmers? And has any consideration been given to a ceiling on the amount of industrial milk, say half a million pounds per farmer? I think that is necessary in this area—

Mr. Riddell: Tell him to read Hansard, Bill.

Mr. Wiseman: —particularly for the farmers in eastern Ontario.

Mr. Conway: It's a terribly deficient government policy.

Mr. Nixon: Let's put this on Gene Whelan if we can.

Mr. Speaker: Can we have some order, please?

Hon. Mr. Rhodes: He's trying to get into the hall of fame.

Hon. W. Newman: I could, but I won't.

Mr. Speaker, in answer to the question from the hon. member regarding the MSQ, or industrial quota here in Ontario, it has reached very serious proportions. Many farmers have already shipped their total allocation for the dairy year, which ends March 31. I have pointed out that we have farmers in the province who have milk to ship and plants which want it but we don't have any quota to give them. What I'm doing right now is having an in-depth cost-benefit analysis done of the total provincial milk situation as far as industrial milk is concerned.

I have not talked to Mr. Whelan specifically about upper limits, but I have told him how to solve the problem as far as this province is concerned. I think it will be very unpalatable for him, but I did make it very clear to him last Tuesday night how to solve our problem.

Mr. Speaker: The hon. member for Grey.

Mr. Nixon: Was that the OMA? I heard you did very well there.

Mr. McKessock: A supplementary: The minister has said that he has told Mr. Whelan how to correct the situation in Ontario. Would he mind providing that information to the House?

Hon. W. Newman: Certainly, Mr. Speaker. In Ontario we have processors who do not have enough milk at this point in time to supply the demands of the market they have for their commodities. They are bringing in milk from other areas; and that is happening not only in eastern Ontario but throughout the whole province. What I'm saying, in effect, is that we should be allowed more MSQ or more industrial base for this prov-

ince so we can meet the demands of the consumers and the processors of this province.

ELECTRONIC INFORMATION

Mr. Conway: My question is of the Minister of Government Services. Since his ministry seems to have general supervisory control over the electronic data processing facilities available to the government of Ontario in general, would the minister care to share with this House what, if any, precautions or guidelines there are with respect to protecting the security of the information stored within any particular part of that system?

Hon. Mr. McCague: Mr. Speaker, I couldn't give the member a complete answer to that, so I will get it for him.

Mr. Conway: A supplementary: In preparation of the minister's answer, I wonder whether or not he might look to see whether, prior to recent developments, there has ever been any provision whereby people who are very closely involved with the most sensitive part of that system are required to undergo any security check? Could he investigate that as well?

Hon. Mr. McCague: Maybe the member would tell me how one gives a person a security check, Mr. Speaker?

Mr. Speaker: The minister said he was going to take it as notice. The hon. member for Hamilton Mountain.

Mr. Sargent: I have a supplementary question on this.

Mr. Speaker: No.

Mr. Sargent: Why not?

Mr. Speaker: I think there have been enough supplementaries, that's why not.

EMBASSY MANAGEMENT CONTRACT

Mr. Charlton: I have a question of the Minister of Government Services with respect to a matter which I raised with him in the estimates of his ministry regarding Embassy Management Limited of Brampton.

If I were to provide him with details of two executions against Embassy Management Limited in 1977, both involving suits brought against them by subcontractors for non-payment for work performed on two separate government contracts, will the minister take this as, and I quote his deputy minister, "evidence of Embassy's bad payment record"; so that his ministry, and I quote the deputy minister again, "may be able to take some action"? And will the minister give us a guarantee that this action comes in the form of no further contracts being awarded to

Embassy Management Limited of Brampton by his ministry?

Hon. Mr. McCague: Mr. Speaker, there are an awful lot of questions in one there. We are aware of the problems with Embassy Management.

Mr. Kerrio: Take them one at a time.

Hon. Mr. McCague: We do not, in the opinion of the officials of my ministry, now have the right to deny a contract to Embassy.

Mr. Martel: Kick them in the head then.

Mr. Laughren: Say no.

Hon. Mr. Kerr: How do they get out of debt without working?

[3:15]

Hon. Mr. McCague: I would be pleased to have the information the member has. I will examine it and get an answer to him but I would say that—

Mr. Warner: Wishy-washy.

Hon. Mr. McCague: It is not wishy-washy at all. Legally we can't deny him a contract and the member knows it.

Mr. Warner: You have been here too long, you should resign.

Mr. Speaker: Do you have a supplementary?

Mr. Charlton: I will get the minister copies of those executions. Given the fact that the information has been brought to the attention of the minister and the deputy minister by Mr. Dave Haggard, proprietor of H Construction; Mr. Paul Little, representative of John Wheelwright Construction; Mr. Lionel Knight of Knight's Construction; Mr. Lawrence Desrochier from Desrochier's Roofing; and Celeste Como of Como and Calabro Excavating, at a meeting in the deputy minister's office on October 21, 1977, at which time the name of several other subcontractors were given who are in the same boat, would it not now behove the minister to request his colleague the Minister of Consumer and Commercial Relations (Mr. Grossman) to launch a full scale investigation under the Business Practices Act into the manner in which Embassy Management Limited of Brampton and its sister company, Lamco Services Company, have been carrying on business?

Mr. Warner: Maybe you can solve this one; you blew beer in the ball parks.

Mr. Martel: Come on, answer the question, George.

Mr. Warner: No answer.

Mr. McClellan: Let the record show no answer.

MARKING STANDARDS

Mr. Reid: I have a question for the Minister of Education: Has the minister read the article in the Globe and Mail this morning regarding the marking standards in the province of Ontario; and doesn't he think that it's time the Ministry of Education brought back some kind of standard in marking across the province so that students particularly, but also teachers, in the various educational institutions, would have a bench-mark to which they can relate the marks of all students?

Hon. Mr. Wells: Mr. Speaker, I glanced just quickly at the article—

Mr. Conway: Just glanced?

Hon. Mr. Wells: —and I haven't had an opportunity, as I have been in a meeting all morning, to read it in detail. But let me say this:

First of all, what I saw indicated that our ministry had no records on what marks in fact were given in the various schools. That of course is not so. We know the marks that were given to every student in every subject in every school, and we do have comparative figures that we can lay our hands on.

Second, we did do a very elaborate interface study, as my friend knows, and it was made available to everyone a year ago when this subject was approached very thoroughly. In fact the conclusions in the interface study were rather different from the general conclusions that someone like the writer makes quickly, without having the benefit of all the research the people who did the interface study had.

Mr. Reid: That is not in fact so.

Hon. Mr. Wells: The actual facts the interface study brought out were that the difference in marks between schools was not as great as some people imagined—

Mr. Reid: It varied; 13 and 20 per cent.

Hon. Mr. Wells: —and the second conclusion was that the marks given today by teachers in the secondary schools are probably just as good an indicator, and can be used in that manner, of success or failure in university, as the grade 13 exam marks were.

The only place where you get into some particular problem is in those courses where there is very fierce competition for admission. It may be in those courses there is some chance students may have a little tougher time depending on the school they come from.

The hon. member asked what have we done about it? Ever since that interface report was brought out, we have had various committees looking at it. We are coming forward

with some recommendations that will help in this matter.

A year ago, I put to all the secondary school headmasters of this province the very premise that is outlined in that article today: "Is there a problem? Is there a difference between grade 13 marks in this province? If so, you are the people who should be most concerned about doing something about it; what do you recommend?" I am waiting for them to bring back some recommendation.

Mr. Reid: Supplementary, if I may, Mr. Speaker: In view of the fact that some university professors have said some of their students are almost functionally illiterate; would the minister consider something that I think was tried in the state of Florida, called a "lifestyles program" or test, in all the high schools in the province, to measure whether the students in fact can reach, or have attained a certain level of maturity in their educational process in lifestyles, such as the Florida experiment sought to establish?

Hon. Mr. Wells: I suggest to my friend that he look a little further and little more closely into the Florida experiment to decide whether he thinks—

Mr. Reid: I will do it in January.

Hon. Mr. Wells:—that the kind of program they have introduced may mean that a third to nearly a half of the students will be denied their secondary school graduation, and that the groups of students who will be denied will be from the very areas that should be given help, rather than some kind of barrier set in front of them which will probably prevent them from getting full employment.

Mr. S. Smith: A phoney graduation certificate doesn't help, you know.

Hon. Mr. Wells: Secondly, I know we hear from these so-called academics in universities all the time, but I get a little sick and tired listening to them talk.

Mr. Lewis: Hear, hear, absolutely.

Hon. Mr. Wells: This professor writes about the differences in marks in the various secondary schools in this province. What about the differences in marks between the University of Western Ontario and Brock University? Or Queen's University?

Mr. Reid: Well, that doesn't make it right.

Hon. Mr. Wells: I am not saying that it makes it right, I am just saying that perhaps there is nothing wrong with having the situation the way it is.

Mr. Lewis: Those university tests are bogus and stupid. They tell nothing; they're utterly ridiculous.

CONSERVATION OF NIAGARA FOOD LAND

Mr. Swart: A question of the Minister of Agriculture and Food, if I may: In view of the minister's sometimes expressed desire to save the prime food land, and because the Niagara regional council is soon to decide on the location of its new headquarters, has the minister advised the council of the region of Niagara to locate such headquarters well away from the fruit and grape land?

Hon. W. Newman: I had the occasion and the privilege to meet with some people from the Niagara regional council to discuss many matters—I believe it was only yesterday.

Mr. Swart: May I inform the minister that the location has been narrowed down to three sites, all of them in communities on unique food lands; that the region of Niagara has 1,900 employees; and that this will create tremendous pressures on the surrounding food lands. Will the minister interest himself in the matter and prevent more of Niagara's best land from being taken up through this measure?

Hon. W. Newman: I think a decision was made on the location of the regional headquarters some time ago. The Minister of Housing (Mr. Rhodes) and I were both involved in that. Those decisions were made regarding the preservation of the unique, tender fruit lands of the Niagara Peninsula.

Hon. Mr. Welch: What's wrong with downtown St. Catharines?

ORGANIZED CRIME

Mr. Stong: A question of the Solicitor General, concerning organized crime: During his estimates in the House the minister undertook to obtain certain figures, and I ask him whether he is now able to provide us with statistics which would indicate how many investigations have been thwarted or have arrived at an impasse; and how many charges have been dismissed by our courts as a result of witnesses failing to co-operate or testify, whether because of fear of retaliation or other intimidation?

Hon. Mr. MacBeth: I thought that I had met most of the obligations that I made at that time. Obviously, this is one that I haven't met, and I don't think we are following up. I will undertake to follow it up and get that information if it is available.

ROSS SHOULDICE

Mr. Martel: A question of the Premier: Has the Premier had an opportunity to determine what the Minister of Consumer and

Commercial Relations (Mr. Grossman) is going to do with respect to one Ross Shouldice in the Sudbury area, seeing that he is now operating again without a licence? Is it the Premier's intention to reconvene the Horowitz inquiry to look into the conduct, both in the past and at the present, with respect to our friend Ross Shouldice?

Mr. Nixon: That's Stravinsky's buddy.

Hon. Mr. Davis: I just had a brief message from the responsible minister, who tells me we will have some information, probably, by Friday of this week.

CANADA PENSION PLAN

Mr. Peterson: A question of the Treasurer: In view of the tabling of the Auditor General of Canada's report with respect to the Canada Pension Plan, and the fact that he sees bankruptcy without an increase in contributions, has the government of the province of Ontario taken a position; and what is the Treasurer's view on that particular suggestion of the Auditor General?

Hon. Mr. McKeough: My views have not changed since the estimates when the member asked the same question.

Mr. Peterson: Supplementary: Does that mean the minister is going to continue to borrow at present rates until there is nothing left? Is that what his plan is?

Hon. Mr. McKeough: We discussed this at some length during the estimates. I recognize that members opposite have difficulty trying to fill up this hour, but if the member wants me to give him the same lecture in economics I gave during my estimates, I'll be glad to do so.

Mr. Makarchuk: Professor McKeough is holding class.

Mr. S. Smith: Go right ahead.

Hon. Mr. McKeough: You really have trouble don't you?

Mr. Speaker: The hon. member for Bellwoods, with a final question.

Mr. McClellan: Thank you, Mr. Speaker.

Mr. Roy: On a point of order, I just point out that the Treasurer goes on a frolic of his own during the question period. I think the same rules should apply to him as to us.

Hon. Mr. Davis: The hon. member for Ottawa East shouldn't use that legal terminology. We don't understand.

Mr. Speaker: The question period has expired.

Mr. S. Smith: The arrogance of your government will be your undoing, and you know it.

OMBUDSMAN ESTIMATES

Mr. Wildman: In view of the comments made in general government committee during the study of estimates of the Ombudsman; the announcement this morning that the Ombudsman has shelved plans for a northern regional office; and his statements during the estimates that the north would not be used as a scapegoat in his quest for further funds; can we do something here to find out what exactly is happening with the Ombudsman?

Mr. Speaker: Well, you can't do it on a point of privilege.

Mr. Wildman: Can you give me some direction, Mr. Speaker?

Mr. Speaker: You can take it to the select committee on the Ombudsman.

EMBASSY MANAGEMENT CONTRACT

Mr. Charlton: Mr. Speaker, I wish to give notice I am unsatisfied with the answers I received this afternoon from the Minister of Government Services and wish to give notice I would like to debate the issue at 10:30 this evening.

Mr. Breithaupt: Dissatisfied.

Mr. Speaker: Pursuant to standing order 28, the hon. member for Hamilton Mountain and the hon. member for Port Arthur have indicated they are not satisfied with questions; they will be debated at 10:30 this evening.

Mr. Foulds: The questions were good, Mr. Speaker, but the answers were insufficient.

Mr. Sargent: In fact, we are not satisfied with the government.

INTRODUCTION OF BILLS

LICENSING OF BUSINESSES BY MUNICIPALITIES ACT

Hon. Mr. McKeough moved first reading of Bill 119, An Act to provide for the licensing of Businesses by Municipalities.

Motion agreed to.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answer to question 47 standing on the notice paper. (See appendix, page 2695.)

ORDERS OF THE DAY

FARM PRODUCTS MARKETING AMENDMENT ACT

Hon. W. Newman moved second reading of Bill 102, An Act to amend the Farm Products Marketing Act.

Mr. Speaker: Does the hon. minister have a statement?

Hon. W. Newman: Yes, I do.

Mr. Foulds: It will be the first time.

Mr. Conway: You are going to Ottawa to talk to Gene.

Hon. W. Newman: Mr. Speaker, most of the amendments I am proposing to the Farm Products Marketing Act and the Milk Act are in recognition of changing marketing practices. The simple assumption that marketing means that a sale takes place no longer covers many situations.

Section 1 of both bills defines marketing to include the various ways in which goods pass from one party to another. Marketing in this modern age is a complex chain of events. A product can flow through a wide variety of channels to reach the consumer. We believe that marketing should be regarded as a process which moves the product from the farm to the consumer.

[3:30]

Many of the modern means of marketing do not involve what we traditionally think of as a sale, but the end result is the same. Therefore, marketing has been redefined to include processing as well as financing, advertising, storing, et cetera, which were included in the Act previously.

Sections 2 and 3 of the farm products bill deal with inspection and augment existing provisions to allow inspectors to measure the premises on which a regulated product is produced. This relates to the equitable determination of licensing fees.

Changing marketing methods are the subject of section 4, in which it is proposed to allow boards which now operate on marketing quotas to bring their products under production quotas. I should point out that this applies only to the Burley tobacco board, chicken boards and turkey boards. This provision is designed to take account of situations where a processor gets into primary production.

It has been argued successfully in the courts that a processor who produces the primary product but sells only the processed products is not "marketing," and so is exempt from the marketing quotas. This kind of operation is known as vertical integration. We in the government do not believe it is in the best interest of either the farmer or the consumer of this province to have our food production industry controlled by a few very large corporations.

I may say that in any future quota plans we intend to use the production quota

method rather than the marketing quota method. However, no product will be brought under a quota system unless the producers express a favourable opinion, and for the foreseeable future we do not anticipate any more quota plans.

Selling his product is not the only way a producer can earn income. He may also rent his land to a processor to produce that product. Section 4, therefore, also authorizes those local boards that negotiate price to negotiate the rental to be paid by the processor to a landowner if the product to be produced is a regulated one. Negotiations are carried out by negotiating agencies with equal representation from processors and producers. They would determine the price and, under this provision, the rental rate. The rent so determined would be the minimum figure. An owner would be free to charge more if he could get it.

Section 5 also deals with marketing. It enlarges the situations under which a sale of a regulated product is deemed to have taken place. It covers situations where, for example, a product is produced and processed or marketed by the same person. In this case, the person as producer is deemed to have sold the product to himself as a processor or marketer, and is therefore subject to the marketing regulations. The same applies to a producer who has his product custom-processed, then sells it himself as processed goods.

This section also covers situations where a company or co-operative in which the producer holds an interest or is a member has some outside organization process or market the product on its behalf. The provisions dealing with companies and co-operatives are proposed for the Milk Act as well.

Most of the amendments proposed for the Farm Products Marketing Act are already included in the Milk Act, a fact which was noted by a judge who heard a case brought under the Farm Products Marketing Act. The judge stated that if the farm products Act had included sections similar to the Milk Act, his decision might have been affected. The Milk Act provisions, by the way, have already stood up in many court cases.

I have received many representations from farm organizations asking me to bring forward amendments similar to the ones proposed in these bills. Investigations carried out by my staff as well as by farm organizations show that disastrous effects might be expected to many of our marketing plans if these amendments are not passed.

Supply management was introduced for certain products to avoid exaggerated fluctuations in supply and the consequent fluctuations in producers' incomes. In very simple words, supply management is intended to stabilize a farmer's income in an era of constantly rising costs so that our farmers can keep using our land productively. Violent swings in prices lead only to discouragement, and in some cases bankruptcy for our farmers.

I trust the hon. members will support these bills, which are vital to the health of the agricultural industry in the province of Ontario.

Mr. Riddell: Mr. Speaker, my remarks are going to be somewhat lengthy on this particular bill; and I do not make any apologies for that because I would like, in my discussion and debate, to correct some of the wrong impressions that consumers have about marketing boards. I think we must understand here at the beginning that it is the consumers' associations that are objecting rather strongly to some of the amendments in this bill.

The amendments to the Farm Products Marketing Act are most essential if Ontario's farmer-run marketing boards are to remain in business.

You no doubt know, Mr. Speaker, that organized marketing by means of marketing boards have been developed over the past 40 years. At the present time the Ontario Farm Products Marketing Board, which administers the Farm Products Marketing Act, oversees 21 active marketing boards involved in selling 60 per cent of Ontario-produced food, amounting to approximately \$1.6 billion.

These boards could be ruined if businesses choose to exploit a loophole opened by a recent Ontario Supreme Court decision. The potential loophole was created recently when the court ruled that the Eastern Ontario Vegetable Grower's Co-operative of Trenton is owned by farmers and therefore does not need to comply with marketing board rules, including minimum prices processors must pay corn and pea growers.

The fear is that this loophole could be expanded to cover any commodity farmers market through a board, destroying the effectiveness of price, production and marketing controls. Marketing boards hold varying degrees of power over farm commodities and function in much the same way as unions for workers. A few boards have been granted enough power to limit production and set prices. If the boards are broken, I would have to think farming will be set

back 40 years and there is the danger that the farming industry will be largely controlled by large companies. In which case, farmers will assume the risks of lower prices and surplus production.

If the loophole opened by a recent Ontario Supreme Court decision in the case of the Farm Products Marketing Board versus Eastern Ontario Vegetable Grower's Co-operative, and the decision of the divisional court of the Supreme Court of Ontario in the case of Campbell Soup Company versus Farm Products Marketing Board, is not closed, then Ontario's food industry could fall into the hands of a few large corporations.

The ruling of the Supreme Court would allow some groups to bypass the price setting and production control powers of many of Ontario's farm products marketing boards. If that happens, farm marketing will be thrown into chaos and many of Ontario's existing family farmers could be driven out of business.

The Ontario Farm Products Marketing Act requires farmers who raise chickens, turkeys and some other products, to sell their products at a price set by the marketing boards. The farmer must also have quota issued in order to produce or sell his products. The Supreme Court ruling in the case of the Eastern Ontario Vegetable Grower's Co-operative in Trenton allows the co-operative to get around the regulations. The co-operative sells vegetables already processed, thus allowing it to bypass the provincial Act which only covers the sale of raw products. Since farmers own part of the co-operative, they don't actually sell the raw product to anybody but are able to skirt the regulations.

The poultry industry has had a similar problem, since Campbell's Soup Limited won a court case earlier this year. The ruling said that Campbell's Soups Limited is selling chicken dinners, not raising chickens at its farms, and therefore falls outside the scope of the Chicken Marketing Board. Campbell's Soups is both a producer and processor of chicken, and are therefore able to circumvent the Act as they are not selling a regulated product as specified in the Act.

The concern is not about the Campbell company but about the larger operation, for example a large fried chicken chain might exploit the same loophole. As a matter of fact, the loophole could be expanded to cover any commodity farmers market through a board, destroying the effectiveness of price, production and marketing control. There have already been indications that proces-

sors in commodities other than the ones involved in the court cases will exploit the loophole.

In general terms, the loophole works by making farmers financial partners in the final product that is sold, integrating the business from the farm through the wholesales system. In law, the amalgamated farmer/processor system is selling a processed product. The Ontario Farm Products Marketing Act deals with raw products sold by farmers, not finished and processed foods, so amalgamated organizations escape the marketing board's price, production and marketing controls.

I think it might be of interest at this time to give a brief history of the events which led to a court case between the Farm Products Marketing Board and the Eastern Ontario Vegetable Growers Co-operative. As I indicated previously, the amendments to this Act have been made necessary by the decision of the Supreme Court.

Several years ago, a processing company controlled by a prominent Trenton area man by the name of Eban James—and I might just mention at this time, Mr. Speaker, that this same man, Eban James, I understand, was the bagman for the Tory party—

Hon. W. Newman: I heard the opposite.

Mr. Riddell: No, no—and the reason, probably, that the minister was somewhat reluctant to bring in amendments to this bill when they should have come in.

Hon. W. Newman: That's not so; check it for yourself.

Mr. Riddell: This man, Eban James, built a new plant with substantial backing from both the federal and provincial governments in the form of forgivable loans for economically backward regions. This company, called Produce Processors Limited, as a processing company freezes and stores both sweet corn and peas on a custom basis. The plant was built about six years ago by a group of people in eastern Ontario who were concerned about the fact that the processors were rapidly abandoning eastern Ontario.

As I indicated, there were several hundreds of thousands of dollars invested in the plant that came from the government under the ARDA program. It was built on the strength of the UK market when Canada had a preferential tariff over other countries exporting sweet corn to the United Kingdom. The Ontario Vegetable Producers Marketing Board was able to negotiate steeply higher prices for corn and peas in the mid-1970s in the wake of rising grain corn and soya bean prices. Had processors not paid those higher

prices in southwestern Ontario, farmers would have stopped growing sweet corn and peas.

At the same time, competition for overseas markets stiffened, particularly for corn in England. The competition came from Israel and North Africa. The new processing plant needed as much volume as it could get to lower per-unit costs. Farmers in the area wanted to grow more sweet corn, even if prices had to be lowered to find a market. That led to a dispute with the marketing board.

The upshot was that farmers formed a co-operative to process and sell their own corn. The Eastern Ontario Vegetable Growers Co-operative Incorporated, as it was called, is the buyer of the raw product and the seller of the finished product. It pays a fee to produce processors to have the raw product processed and stored. It is also responsible for paying the growers for the raw product.

Prior to the spring of 1976, a person by the name of Bill Oosterink who was the owner of OMAR Farm Produce Limited, used to fulfil the role that the co-operative now plays. Following the 1976 negotiations, the British pound weakened severely, shipping rates increased, the raw product prices of sweet corn increased; Canada lost its preferential position with the United Kingdom and Israel gained an advantaged, duty-free position with the European Economic Community. All of the factors combined to convince OMAR to get out. This left the growers in the tough position of no potential contracting concerns interested in their corn. Eban James, who holds 80 per cent of the shares in Produce Processors, was not anxious to have the plant cease operations. First of all, this would cause Eban James and Produce Processors to relinquish their ARDA funding, and the plant would probably have to be sold at distress prices to a western Ontario giant.

The obvious question at this point is: Why didn't Produce Processors contract directly with the producers like any other processor? This question has been asked several times by the Ontario Vegetable Growers Marketing Board. The pat answer was that under the terms of the ARDA funding, it was not allowed. The Farm Products Marketing Board tried to verify this statement with senior officials and they were told that it simply was not true. The real reason for not contracting directly is directly related to the ARDA loan. If Produce Processors were contracting directly, it would have to abide by the marketing agreement or it could

lose funding from ARDA in the event that the marketing board laid charges.

[3:45]

Under the present system, produce processors are under no obligations whatsoever. Eban James, with his great white father image, is able to set whatever fee for processing he wishes and reverts all the risk of growing the crop and selling the finished product to the producers who are members of the co-operative. I would hope that a copy of my remarks would get back to the eastern Ontario producers, because I really think that they are being taken in. After they read what I have to say, they might think twice about Eban James and his great processing outlet.

Mr. Reed: Is he related to Jesse?

Mr. Riddell: The system has worked quite well for Eban James. Producers only got paid 60 per cent of the negotiated price last year. Produce Processors Limited showed a profit for the first time in its history. You can imagine what the processing fee must be if all the overhead for a \$5-million plant was covered on the put-through of one crop. The situation may be better in 1977 since both peas and corn were processed.

The marketing situation of the co-operative is almost as immoral as the custom processing arrangement. The co-operative is forced to rely on one broker in the United Kingdom market. This is Mr. Don Bartlett of Barwell Foods Limited out of Montreal, an export and import trading house. He is a world trader who scouts out several prices for all the vegetables he handles, including sweet corn. He also engages in price competition on various world markets, but the United Kingdom sweet corn market is by far his largest.

As you can see, he is in the position of telling his customers where he can get the product cheaper and what he will pay for the corn based on the market conditions. It is a take-it-or-leave-it proposition from their point of view. Therefore, in essence, it is as close to a consignment selling arrangement as you can come. It was learned that Bartlett was selling top quality Canadian corn from the Eastern Ontario Vegetable Growers Co-operative in low quality markets. This is an absolutely ridiculous situation and would be impossible if he were not in a monopsony situation. This matter has been pointed out several times to the members of the co-op. It was suggested that they would be better served if they hired their own salesman in the United Kingdom, someone responsible only to them.

The members of the co-op referred to the chairman, Mr. Bob Petty, as their salesman. First of all, Mr. Petty had no export sales experience. He is not present in the market and Bartlett is still handling all the corn on a commission basis. As you can see from all of this, the growers are caught in the middle between Eban James and Don Bartlett, and as a result are not being paid the negotiated price while everyone else around them is making money.

The glaring question which now appears is why do growers in eastern Ontario apparently support this system or conceal their objections as to what is happening? There are several reasons for this situation.

First, the producers have been reassured all along, ever since meetings last spring with the co-op executive, that the co-op is not out to break the law. They claim they are vertical integrators, just like York Farms. The glaring difference between what they are doing and what a true vertical integrator does is in the matter of risk and where it lies. York Farms, for instance, is a situation where the company absorbs all the risk of growing, processing and marketing the crop. In the co-operative situation, the individual grower has all the risk while the processing company and the marketing agent are assured of at least expenses plus a profit.

Second, the producers, to the best of my knowledge, have never been told that they will not be paid in full for their corn. They were told there may be some rough times, but whenever there is money available they will be paid what is available. This has worked for a year, but as recent as the Northumberland county meeting in November, producers have been questioning why they have not been paid when everyone else is being paid.

Third, and the most important reason, is the feeling that they have no other choice if they wish to continue growing sweet corn. This is a reason which we, as elected people in the Legislature, and the Vegetable Growers Marketing Board, must all take responsibility for.

In fact the Ontario Vegetable Growers Marketing Board has made a definite commitment to the eastern Ontario growers. On November 9, the Minister of Agriculture and Food met with representatives of the co-op, the processing industry and the vegetable board. At the outset, the minister made it clear that the Act would be amended. He also made it clear that he wanted the eastern Ontario growers to be accommodated and that he wanted sweet corn exports from Ontario to continue. The vegetable board pub-

licly committed itself to attempt to accommodate sweet corn exports.

A committee made up of participants was struck by the minister; members of the committee are Dr. C. Collin, chairman of the Farm Products Marketing Board; Mr. Cecil Farrow, vice-president of the Green Giant of Canada Limited, Mr. Hank Vander Pol, chairman of the Ontario Vegetable Growers Marketing Board; and none other than Mr. Eben James, majority stockholder of Produce Processors and the largest contract grower for the Eastern Ontario Vegetable Growers Co-operative.

Fourth, the growers of the co-operative are not fully informed of the situation. The co-operative has had only one general meeting with its growers since its beginning. There was another meeting scheduled for November. The telex which the co-op recently sent the cabinet ministers saying they would be put out of business by the new legislation was not read to the growers before the 91 signatures went on the petition. In fact some growers were not even notified that there was any kind of a telex being sent.

No one, including the Minister of Consumer and Commercial Relations, has seen an audited statement of the co-operative financial affairs. The chairman of the co-operative, in a closed meeting, admitted to the chairman of the Farm Products Marketing Board and the chairman of the Ontario Vegetable Growers Marketing Board that the co-operative was a paper front for produce processors. Growers were not informed of this because it was raised at the November county meeting and Mr. James categorically denied the statement.

Mr. Petty, the chairman of the co-operative, was not present at the county meeting. It is my understanding that this bill will be sent to a standing committee. Having talked on many occasions to the director on the Ontario Vegetable Growers Marketing Board from the riding which I represent, I can anticipate some of the information that will come forth at that committee meeting. A spokesman for the Eastern Ontario Vegetable Growers Co-operative, and I trust that will be Eben James, will say that the Minister of Agriculture and Food and the vegetable board sanctioned the illegal operation of the co-operative at a price of \$45 a ton for sweet corn in 1976 instead of the negotiated price of \$61.25.

What actually happened is that the minister stated that the ministry would help in whatever way it could to set up a properly run co-operative. I am kind of letting you off the hook here, Bill, I hope you are listen-

ing. As it turned out, Mr. O'Mara of the ministry drew up their charter along normal lines. At no time did anyone suggest that they could purchase sweet corn at below the negotiated price.

I am sure that the committee will also hear the statement that the marketing board is western Ontario oriented, has done nothing to stop vertical integration and has done nothing to prevent processors from leaving eastern Ontario. I might just draw to your attention that eastern Ontario is represented on the marketing board on the same basis as any other part of the province. The directors do not condone the operations of the co-operative and are in fact attempting, as the marketing board is, to correct the situation in favour of the eastern Ontario producer.

At last year's annual convention of the Ontario Vegetable Growers Marketing Board, producers from all across the province ratified the establishment of an export development fund to promote the export of frozen sweet corn. When the Ontario Vegetable Growers Marketing Board met with the eastern Ontario co-operative, they rejected the proposal on the basis that they would still have to pay the negotiated price to be eligible for a subsidy from the fund.

I am sure we will also hear that the marketing board price is set too high and will not allow the eastern Ontario co-operative to compete. The marketing board does not set any prices. They are negotiated. At the county meetings, prior to the 1976 and 1977 negotiations, the eastern Ontario producers presented resolutions requesting an increase in the price of sweet corn. As it turned out, in the 1977 negotiations the industry agreed to drop the price from \$61.25 to \$56.75 per ton because of market conditions.

The eastern Ontario co-operative will also claim that the Crop Insurance Commission is discriminating against them. I am sure that the co-operative has met with the Crop Insurance Commission; and Henry Ediger, general manager of the Crop Insurance Commission of Ontario, has met with the eastern Ontario co-operative. It was made very clear to the co-operative exactly what the situation is. The Crop Insurance Commission does not wish to become a market for the sweet corn produced by the members of the co-operative. The co-operative has failed to take the necessary steps of proving financial responsibility and convincing the commission otherwise.

I should not speak for the Crop Insurance Commission, but I am sure Mr. Ediger will

verify the reason for not insuring the growers. By not adhering to the marketing board regulations, producers are unable to get crop insurance. This was particularly serious this year, because 700 acres of corn were bypassed by the co-operative. The Ontario Vegetable Growers Marketing Board's concern in this matter is that the producers not be monopolized any further; but unless there is an alternative presented, it will likely continue for another year at least.

The alternative is in the formulation stages under the committee which the minister has set up. This has to work, or both the marketing board and the co-operative will have an uncertain future.

I have spent some time outlining this case, for I think it is important that the members of this Legislature recognize the vulnerability of farmers in joint ventures with companies looking for ways to bypass any market-board rules or regulations. This vulnerability is exemplified by the fact that the eastern Ontario co-operative paid its farmers \$32 a ton for corn, and settled with a final payment of \$5 a ton when the crop was sold.

The contract price as negotiated by the Ontario Vegetable Growers Marketing Board was \$61.25 a ton. The cost of producing a ton of corn is estimated to be \$42 a ton. So not only would the eastern Ontario producers not meet their cost of production with the payment made by the co-op, they would be short-changed by an amount of \$24 a ton.

It is my understanding that the eastern Ontario producers have not received the payment for this year's crop, which is further indication of the farmers' vulnerability in such a risk-sharing venture. The farmers have no financial security. A venture of this nature simply amounts to consignment production, with the farmer paid whatever can be made by producing, processing and selling a crop.

The processing companies, which now rent land and pay help to produce crops, would be tempted to follow the lead of the eastern Ontario co-operative and try to shift the financial risk to individual farmers. There is also the danger that the system could be applied for any other commodity and undermine the pricing, production, quality and other controls farmer-run marketing boards have developed over the past 40 years.

The system could even be applied to innocuous boards such as pork. A packing company, for example, could make a joint deal with a farmer to market bacon and ham, and they could jointly go into unlimited production at an integrated price and market their hogs and pork completely outside of the

Ontario Pork Producers Marketing Board teletype system.

The Pork Producers Marketing Board is unlike the Vegetable Growers Marketing Board in that it does not negotiate price. However, for those boards that do negotiate price, the Farm Products Marketing Board requires, under the terms of the Farm Products Marketing Act, that payment of a negotiated price to producers by processors does not apply to vertically-integrated producers. Vertically-integrated producers are those who both produce and process crops grown on their own or leased lands, such as York Farms or Canada Packers. They own or lease land, produce vegetables with hired labour and subsequently process the vegetables.

It is obvious that there are a number of solutions to the problem. First, the Ontario Vegetable Growers Marketing Board could be designated as an agency board. This would require that a producer first sell his crops to the board which would in turn sell it to processors. There are presently seven agency boards in Ontario—apple, asparagus, beans, eggs, greenhouse vegetables, tender fruit and wheat.

[4:00]

Secondly, production controls could be imposed; marketing plans would have to be changed, producers would be told how much they can grow. This, in many segments of the farming industry, is not an acceptable route.

Thirdly, amendments could be made to the Farm Products Marketing Act. Through definition, the amendments to the Act would require that vertically-integrated companies not be exempt from marketing plans. The Ontario Milk Marketing Board has this requirement in effect now under the terms of the Milk Act.

It is also important to note that the problem requires both an economic solution as well as the legal solution. The processors in eastern Ontario were established to meet the export market. Presently, because of the minimum negotiated prices that must be paid by the processors, they're finding it increasingly difficult to compete on the export market.

Possible solutions are; firstly, the negotiation of a two-price system—one for the export market and one for the domestic market. It would be negotiated through the present marketing board system. A pool would be established which would be contributed to by all the producers of a certain commodity. Money would go from this pool to those processors who are contributing to the export market so that producer prices for both markets would be more evenly distributed.

The Vegetable Growers Marketing Board has already agreed to pursue this alternative.

A second solution would be a government subsidy for producers supplying the export market. This, I must say, is an unpopular solution and may lead to more problems than it solves.

I'm sure the minister considered all possible solutions to the problems and accordingly both the Farm Products Marketing Act and the Milk Act to plug the loopholes which became apparent after two companies were successful in circumventing the Act.

In my earlier remarks I made references to the leasing of land, and although this could have been another way around the Act, the minister has very wisely introduced an amendment which would prohibit processors from operating outside of the pricing aspect of the plan by leasing land for a very nominal fee. If this amendment was not introduced, a processing company could lease land for, let's say \$1 an acre, grow a crop, process it and sell the finished product, in which case a deemed sale of a regulated product does not enter the picture. Prices do not apply on internal transactions and for this reason an amendment to include leasing in price negotiations was introduced.

The amendment empowers negotiating agencies to negotiate rent for land rented for the production of a regulated product. To bring vertical integrators under the terms of the Act, an amendment was introduced to add provisions which deemed the sale to have taken place where a producer operates in two capacities, by producing and processing, or producing and marketing, regardless of whether his processing and marketing operations are carried out by himself or through the agency of another.

The definition of marketing has been changed to bring it more in line with the current marketing theory, which includes the entire process of moving a product from the farm gates to the consumer. Marketing under the present Act places too much emphasis on buying and selling, and all the other things such as advertising, assembling, financing, packing, processing, selling, shipping, storing and transporting are ancillary to the buying and selling aspect of the definition. The amendment, therefore, de-emphasizes the buying and selling aspect of the term marketing.

Another amendment which was made to the Act enlarges the authority of the board to make regulations to provide for the producing of regulated products on a quota basis. The amendment would prohibit any person to whom a quota has not been fixed and

allotted for the producing of a regulated product, or whose quota has been cancelled from producing any of the regulated product.

It would also prohibit the production of a regulated product in excess of quota, and it would prohibit any person to whom a quota has been fixed and allotted for the producing of a regulated product on lands or premises, in respect of which such quota was fixed and allotted, from producing any of the regulated product other than the regulated product produced on such lands or premises.

The Consumer Association of Canada, and the Ontario branch in particular, seem to take issue with the amendments dealing with production control and the setting of minimum rental fees and the terms and conditions of land leasing to a negotiating board.

The consumer group tends to blame food price increases on marketing boards and the orderly marketing system. I must say, Mr. Speaker, that I get more than a little annoyed when I hear the Consumers Association of Canada laying the blame on marketing boards for rising food costs. The consumers should consider the other side of the coin, and that is the role which food prices play in keeping down the cost of living.

I don't know how one gets the message to the consumer. I would have hoped more members would have stayed in the House to listen to my remarks. Not that I think they are all that great, but I think we have a responsibility to get a message across to the consumer. The message is what a privilege it is to live in this country and to enjoy an abundance of high quality food at more reasonable prices than you will find anywhere else in the world. So I am hoping the members will take some time to read Hansard and the remarks I am making, and then go out and spread the message to those consumers who are led down the garden path by the Consumers Association of Canada. That is my own personal opinion.

The consumers group, as I say, should consider the other side of the coin, and that is the role which food prices play in keeping down the cost of living. I don't know how one gets the message to the consumer, but the fact of the matter is food prices have decreased while the prices of all other major consumer items have increased.

To use an example, Mr. Speaker, I am going to take a time period from September 1975 to September 1976. Housing, including utilities, furniture, appliances, et cetera, increased 11.2 per cent; clothing increased by 5.8 per cent; transportation increased 10.1

per cent. In the same period, food at home decreased in price. Now get this, when everything else is going up, the price of food at home decreased two per cent; and total food, including that consumed away from home, decreased 0.5 per cent.

If other prices had stayed the same as they were in September, 1975, and only food at home had made a change of minus two per cent, the consumer price index would have dropped about 0.5 per cent. Instead, it increased 6.5 per cent.

Too much has been said lately about the supposed cost of supply management and marketing boards. These figures show clearly that food prices have not been increasing at an alarming rate, and indeed they have not been increased at all. I am going to take some statistics to prove this point. These statistics deal with the personal consumption expenditure for food.

If I go back to 1960; 16.1 per cent of income was spent on food, consumed at home, 4.1 per cent was spent on food away from home. In 1965, the figures were 14.2 per cent of income spent on food consumed at home, and again four per cent on food consumed away from home. In 1970, it was 13.4 per cent of the consumer's income was spent on food consumed at home, and 3.9 per cent spent on food consumed away from home. In 1976, the figures were 12.7 per cent of personal income was spent on food consumed at home and again 4.1 per cent on food consumed away from home.

Can you imagine 12.7 per cent or 13 per cent, and add on to that another four per cent of food consumed away from home, so in the neighbourhood of 17 to 18 per cent of the consumer's income was spent on food; and yet there is all this hue and cry about the high price of food. It makes me sick; and I don't mind telling my consumer friends that.

I happen to get elected time after time and I spread that very same message, that the consumers don't know how lucky they are paying as little for food as they do; getting high quality, and an abundance of it.

While I am talking about food, I would just like to quote from a speech the federal minister gave at the Ontario Federation of Agriculture last week some time; I just forget the date.

Hon. W. Newman: Tuesday night.

Mr. Riddell: I quote: "I want assurance that Canadians can rely on getting the best value for their food dollars. Right now it is estimated that 18 per cent of every take-home dollar goes on food. That's assuming

one meal out of three is eaten out of the home. A report put out by the USDA puts that figure at 13.8 per cent being spent on meals taken in the home. That's compared with 26.5 per cent in Italy, 21.5 per cent in the United Kingdom and 15 per cent in the United States. So our food prices are lower here than they are in the United States or a lesser percentage of the consumers income is going on food here than in the United States.

"A couple of weeks back Statistics Canada announced that the consumer price index was up one per cent in October. They said that food and housing were the main culprits. I hope that made a few farmers mad. It made me mad. I wish the whole story could be told.

"Consumers should understand that a consumer price index is not a cost of living index. Cost of living is money spent on living as a per cent of total disposable income. The consumers price index is simply a list of 325 consumer items that are compared monthly and these items went up in October. So did food. But not as much as it looks on paper.

"That's because Statistics Canada weights the food part of the index higher than it should. About 18 per cent of your income goes on food. Statistics Canada uses 27 per cent, which is the percentage we spent on food 25 years ago. Food did cost less 25 years ago, but it wasn't cheaper.

"Back in 1951 an average hour's pay bought 1.2 pounds of sirloin steak; in 1976, that same hour's pay bought 3.5 pounds. Back in 1951, you could buy 1.2 pounds of prime rib roast with an hour's work; last year you could buy 4.5 pounds. A 1976 hour would buy four times as many eggs, two and a half times as much chicken and over twice as many pork chops; twice as much milk, potatoes, apples and bread compared to 25 years ago.

"We live in a luxury-minded society today; expensive vacations, fancy cars, two televisions are all looked on as necessities. Yet most people resent paying out for the real necessities; and food is one of them. The less we can pay the better we like it.

"And another thing; in this great credit-oriented society, it is hard to pay cold cash for anything, and food is a cash-on-the-barrel-head proposition.

"I want to do all I can to make sure that consumers get the most for their food dollar, but not at the expense of the farmer. And I want to make sure that the farmer gets all the help and the reassurance he needs from our system, but not to the point where the

consumer pays an unreasonable price for food."

Now, that's the end of the quotation from the federal Minister of Agriculture. So, Mr. Speaker, it boils down to the fact that marketing boards are not villains, and they may even be heroes. Consumers in Ontario should be thanking marketing boards for their role in assuring an abundance of high quality food at reasonable prices; and they should be supporting the marketing boards in their attempt to keep family farms in business by providing for them an adequate living, even if it does mean production controls of some of our farm commodities. Surely consumers, who have seen what a lack of competition has done to their energy costs, would want to support any attempt to keep a viable agricultural industry in the province of Ontario.

[4:15]

A final amendment to this Bill 102, Mr. Speaker, enlarges the duties of persons appointed to inspect the books, records, documents, lands and premises and any regulated products of persons engaged in producing or marketing the regulated product. For example, the Apple Marketing Commission changed its method of financing in July 1975 from a volume or poundage system, to an acreage system, with all growers being assessed on their producing apple acreage.

A small number of growers, however, refused permission for inspectors to measure their properties. They were within their rights to do so, as the Farm Products Marketing Act did not contain a provision to permit the measurement of land. The Act is now amended to permit appointed persons to enter on lands or premises used for the producing of any regulated product, to measure the acreage or the area of land used to produce the regulated product, or perform accounting of the regulated product.

I would like to conclude by saying that marketing boards in my opinion have been of great benefit to producers and consumers alike. Without these amendments to retain and strengthen orderly marketing the farming industry will be seriously jeopardized. I am sure the members of the Legislature understand the importance of orderly marketing of farm products under marketing board legislation and will support these amendments.

In view of the fact that producer/processor negotiations will be commencing any time now, I would hope that we could get this bill down into committee and back into the House for passage before the end of this session.

These amendments are urgently needed and we, in the Liberal Party are certainly going to support Bill 102. Thank you very much.

Mr. MacDonald: Mr. Speaker, I am going to speak briefly, because the minister has already explained the purpose of these amendments and the hon. member for Huron-Middlesex has given a very detailed and useful background of the situation that made these amendments necessary. There is no need to repeat that. It is on the record. Much of what was said, both by the minister and the hon. member, I agree with, therefore it need not be repeated.

I don't know that this bill is really the appropriate place to go into a great defence of the limited cost of food in terms of a family budget. I think it is appropriate, particularly because of the position of the Canadian Consumers' Association, that their views should be put in context and should be commented upon; and that I shall do.

I am not completely in agreement with one aspect of the hon. member's comments in which he tends to dismiss all of the cost of food as being completely beyond examination and review. As far as the farmers are concerned, I would have no differences with them at all. The food industry in this country is the largest industry—the largest industry. When one thinks of the food industry, most people think of farmers. The fact of the matter is that farmers today represent 20 per cent of the food industry. Eighty per cent of the food industry is beyond the farm gate in terms of transportation, and processing; in terms of wholesaling, retailing, packaging, labelling, refrigeration; all of those things that go into gobbling up more and more of the consumer's dollar until all too little of it gets back to the farmer.

I think there is an area for examination which could result in two things: the farmer getting more because he is entitled to it; and conceivably the consumer paying less, even though I would agree that the consumer in Ontario and in this country gets a bargain as far as food is concerned.

We will support these bills. Let me put that on the record right at the outset, Mr. Speaker. We will support them because I agree with the case that has been put by the minister, and again by the critic from the official opposition. We have a situation in this province that if we do not plug the loopholes which the courts, in their perversity, have opened up—just a brief digression here.

I have been amazed in the last six or eight weeks at the number of times when court decisions affecting various aspects of life in

this province and country have been made which in my view as a layman are just perverse. They're a violation of the original purpose of the Act. They are legalese run rampant. What we have to do is plug those loopholes.

Mr. Speaker, I want to put this in context, because the thing that disturbs me about the government's action is not that they have acted now, but that they have taken so long to act on this particular problem. We've known about it for at least the better part of the past year, and we could have guessed the consequences that would flow from it, particularly once the courts rendered their decisions.

I want to take the hon. members back a bit in Ontario's experience with farm marketing. I want to repeat a story which I told at the OFA banquet the other day. Back in the late 1950s, we had one of the major crises of farm marketing in this province. Marketing had been put on the books back in the 1930s and early 1940s; it was a power which was granted farmers to exercise as they saw fit, when they saw fit. If they didn't see fit, they didn't need to exercise it. We've had the classic example of the beef producers of this province refusing to exercise it and have any kind of marketing legislation even to this day.

I was fascinated to discover at the OFA convention last week that since the bureaucracy in the Cattlemen's Association has frustrated the desires and needs of a growing proportion of the beef producers, an expression of that frustration has emerged in an alternative organization, the Beef Producers of the Future; and it was also expressed on the floor of the OFA convention where they passed a resolution calling upon the OFA to take a lead in bringing together the Cattlemen's Association and the Beef Producers of the Future, to meet with the minister to consider some way of producing orderly marketing.

I was even more fascinated to discover that of a convention of a few hundred delegates—I don't know exactly how many—by a quick count, there were no more than 15 or 20 who opposed that motion. So here once again is an effort to break through the bureaucracy of a group of leaders which has really been frustrating for all too long the needs and desires of people in that industry. Quite frankly, the government has played a part in that frustration, which takes me back to my story.

In the latter part of the 1950s, the crisis that emerged in marketing focused within the hog marketing plan of the day. A pioneering,

militant farm leader by the name of Charlie McInnis was attempting to develop marketing legislation which would protect the producer and rescue him from being just a pawn in the game between the packing houses. In addition, they became persuaded that the only way they could get some measure, in terms of processing cost, was to build a processing plant, known as FAME. The farmers began to put money in it. It was this government, in collusion with people down on Bay Street, who frustrated the efforts to finance this. The thing went down the drain, and Charlie McInnis, a disillusioned and a cynical man, has tragically retired to his farm somewhere in Grenville or the eastern part of this province.

Mr. Nixon: We all have our stock certificates.

Mr. MacDonald: Yes, including me.

Mr. Nixon: I can believe it.

Hon. W. Newman: Do you want mine too?

Mr. MacDonald: Sure, I bought it. I've always been on the farmers' side.

Hon. W. Newman: Do you want my stock certificate?

Mr. MacDonald: There are two kinds of farmers; those who farm, and those who farm the farmers. Sometimes I wonder which role the Tory Party is in.

Hon. W. Newman: Ah.

Mr. MacDonald: Okay, just a minute now.

Mr. Samis: You woke Darcy up.

Mr. MacDonald: Darcy is up on his little podium and is going to start again, is he?

Mr. Makarchuk: He hasn't got off yet, has he?

Hon. Mr. McKeough: No, I'm just looking at all those farmers over there whom you have elected over the years. You've really done so well in this area.

Mr. Samis: Well, our heart's in the right place.

Mr. MacDonald: The incident I related at the OFA banquet was one at a convention of the OFA held down in the Crystal Ballroom in the old King Eddy Hotel.

The then Minister of Agriculture, Bill Goodfellow, was speaking to the convention, and following that he offered to answer questions. At one point, a gentleman by the name of Jack Broderick, the late Jack Broderick, one of the pioneers in the fruit marketing plants in the Niagara Peninsula, got up and said: "Mr. Minister, we are very appreciative of what this government has done in terms of putting legislation for farm

marketing on the books. We're very appreciative. We've got it. We are attempting to exercise it."

"But," he said, "the crunch is coming; not only in hog marketing, but in many other areas. The crunch has come."

"Now, Mr. Minister," said he, "are you with us shoulder to shoulder in exercising this power which you granted to us in farm marketing legislation?"

Bill Goodfellow, whom many of us who have been around for a little while will recall, had a capacity for philosophizing in a fashion that usually went over with farmers. It was a mixture of back-concession philosophy and things of that nature. He gave an answer which, of course, evaded the question.

Jack Broderick got up to his full height, about six foot four or five with shoulders about two and a half feet wide—he looked like a lineman the Argonauts needed, and indeed he had been a lineman on the football team at the University of Toronto—he walked to the mike—and you could have heard a pin drop because everybody knew that Jack Broderick was an active, committed Tory—he went to the microphone and he said: "Mr. Minister, you haven't answered my question. My question was you gave us the power, we are now attempting to exercise it, so are you with us shoulder to shoulder in terms of exercising that power?"

I've forgotten what Bill Goodfellow said. It was the scene that was memorable. I think his answer was equally unmemorable as the first crack that he took at it.

The crunch has come a second time. We have had breaches in farm marketing which raise the prospect that farm marketing in this province could be destroyed completely. Indeed, without the amendments which the minister has brought in, we faced the prospect that this kind of collusion, this kind of development of ways of circumventing the marketing legislation, would be emerging all across the board in the province of Ontario. It would pull the rug out from under the whole structure of farm marketing legislation.

I suggest to the minister that this could have been foreseen way back last spring. I was raising this issue in the House all during the estimates last year, and indeed to be fair, the hon. member for London Centre (Mr. Peterson) was also raising the issue. We couldn't get anything out of the minister. He evaded the issue. So we drifted into a situation in which the government had no alternative, because they were faced

with a rather massive lobby a short time ago. In fact, I think the record should be recalled in one or two other instances.

The hon. member for Middlesex (Mr. Eaton) who at that time was parliamentary assistant to the Minister of Agriculture and Food, spoke in Strathroy some time last spring. As reported in the London Free Press, Mr. Eaton said that ministry officials have looked at the situation, the situation with regard to the Eastern Ontario Vegetables Growers Co-op. He was quoted directly as saying: "As one of our fellows put it, it's all legal, but it looks pretty damned immoral. There is no doubt in the world they are doing it to circumvent the marketing board agreement."

If something was legal, but immoral, I think there was an obligation on the government to say: "Okay, the Act is being violated. We're going to step in and make the necessary amendments."

Let me give you another example of the kind of thing that went on, the kind of quotes we got from the head of the Food Council of the province of Ontario. Again I put this on the record way back last spring, when queries were put to Mr. Williams, the head of the Food Council, as to what should be done about it. What did he say?

[4:30]

Mr. Williams said he didn't understand why other processors and growers are upset because Trenton production is geared to the export market. "That's sort of like me saying I am upset because I bought a ticket on Wintario and I didn't win anything and you did," he said.

Mr. Williams said it is the first example he has come across where growers have become vertically integrated; involved in both growing and processing their products, when normally it is the processors who did so. "What's the difference between growers vertically-integrated and processors doing it?" he said. "A vertically-integrated plant has a tremendous advantage at the moment because they can produce corn themselves"; and so on and on.

Here's a man, the head of a body whose usefulness I have almost come to the conclusion is nil, but presumably he is there to do something to protect the interests of the producers, but who—well, he's like the Irishman of whom they said, "He's neutral but who is he neutral against?" When it comes to balancing up the interests of processors who are represented on the Food Council

and the producers, the processors' interests always are going to get top billing.

Then we have, of course, the comments of the former Minister of Agriculture and Food, a pretty formidable champion of the farmers on occasion. The question was raised at the annual meeting of Hardy Farms. Since the president of Hardy Farms had indicated the extent to which marketing boards—here's your old attack—were frustrating them and were going to make it difficult for them; and the government—this bad government—was going to bring in amendments to plug the loopholes; the chairman turned to Bill Stewart in his new capacity as a director of Hardy Farms and asked him what about it?

What did Bill Stewart say? Mr. Stewart said that he's concerned that Ontario sweet corn growers have set prices too high in relation to US corn prices, and that the Ontario industry will lose export markets as a result. "The fact that certain producers in eastern Ontario have been willing to take action to circumvent the marketing legislation was an indication that producers were prepared to produce corn for lower prices," he said.

"There has to be a realization by producers of the need to take a realistic viewpoint. Otherwise they will kill the goose that laid the golden egg."

In other words, here's a man who was Minister of Agriculture and Food, getting up and in effect saying that the farmers were pricing themselves out of the market. Now whether or not they had negotiated too high a price I am not willing to argue. It is one of the reasons I suggested to the minister in the estimates that the sooner we can, in all of these arguments, in all of these negotiations, get towards the pricing of a product in accordance with a formula that takes into account the cost of production, preferably even an economic formula, then you will have an answer that readily disposes of the usual kind of propaganda that you get from the Canadian Association of Consumers.

But all down the line, you had coming from various people who were spokesmen of the government, the parliamentary assistant and others, an indication that you had a situation that required some correction, yet there was no move on the part of this government to do it.

Now why did they move?

Hon. W. Newman: That's utter nonsense.

Mr. MacDonald: I will tell you why they moved. They moved because on March 17 there was a massive lobby headed by the OFA, and involving 19 of the marketing

boards. And when they camped on your doorstep, you had no alternative but to—

Hon. W. Newman: What date?

Mr. MacDonald: Pardon?

Hon. W. Newman: Get your dates straight.

Mr. MacDonald: October 17; what did I say?

Hon. W. Newman: The hon. member said March 17.

Mr. MacDonald: I am sorry, October 17.

Mr. Makarchuk: The hon. minister remembers that date, do you?

Mr. Martel: That is the day they gave you the good news.

Mr. MacDonald: You bow to pressure as this government always does, but will never act in advance. I will tell you why. The answer, and I say this to my good friend from Huron-Middlesex also, is of course that you are both ardent champions of free enterprise; and let's face the reality, marketing boards aren't an expression of free enterprise.

Mr. Makarchuk: Right on.

Mr. Martel: Right.

Mr. MacDonald: Marketing boards are a protective mechanism that have been built by farmers to protect themselves against the ravages of uncontrolled free enterprise.

Mr. Martel: Right on.

Mr. MacDonald: And therefore, periodically, when there is a test case and you have to make up your mind whether you are going to stand shoulder to shoulder with the farmers to make certain their marketing boards are protected, you take a long time to move on the issue.

However, you have moved, and I thank God for that. Since all parties in the House are in support of it, I hope that without any undue delay the bill will be passed so you can have the protections as we move into the next season.

Let me turn briefly, if I may, to the Canadian Association of Consumers. I don't really object to most of the comments that have been made by the hon. member for Huron-Middlesex with regard to the Canadian Association of Consumers. I would just like to put it in a different context, though. The Canadian Association of Consumers is financed to the extent of about \$500,000 by the federal Liberals; and they siphon some of that down to the Ontario Association of Consumers. I don't know of any government which has developed a more mindless opposition to farm marketing boards than the federal Liberals.

Mr. Mancini: That's a libellous statement.

Mr. MacDonald: Just a minute, it's not libellous, it's a true statement.

Mr. Nixon: Whelan is the strongest advocate; without Whelan where would the farmers be?

Mr. MacDonald: It's within the bureaucracy, and it was expressed by nine members of the committee of deputy ministers; the only man who is valiantly fighting to stop the whole of the rest of the government and the bureaucracy is Gene Whelan.

Mr. Nixon: He is running the show for the farmers there.

Mr. MacDonald: I concede it.

Mr. Nixon: Thank God for Gene Whelan.

Mr. MacDonald: But the fact of the matter is that if the government and most of the people who are shaping the government's policies in the Consumer and Corporate Relations end had their way, farm marketing would be in trouble.

Mr. Nixon: Down there the minister runs it, not like here.

Mr. Martel: Say that with a straight face.

Mr. MacDonald: Well as a matter of fact, the ministers down there and here, neither of them run.

Hon. W. Newman: At least I am not a swimming pool farmer.

Mr. Nixon: No, you are a developer farmer. Your farm has been developed.

Mr. Martel: You didn't sell it?

Mr. Acting Speaker: Order, please.

Mr. MacDonald: In league with that mix of government and bureaucracy at Ottawa which is mindlessly opposed to farm marketing boards, voiced by people like Beryl Plumptre and so on, you have the Canadian Association of Consumers, as it is now called, financed to a great extent out of the public treasury.

Just let me show you the kind of nonsense we have. I have in my hand the letter sent by Barbara S. Shand, president of the Consumers Association of Canada, Ontario branch. Let me read you the second paragraph:

"It has long been the stated belief of the CAC Ontario that in the long term a competitive market in which all participants are able to bargain freely, because that bargaining power is shared, is in the best interests of all those involved—producers, processors, retailers, consumers, et cetera."

Now for a piece of naive comment, I have rarely heard anything to match that. Anybody who thinks in the marketing of food you have got a competitive market is naive.

It is not competitive to put the farmer, without a marketing board, along with the processor and along with the wholesaler; particularly when you stop to consider what you have got in the food industry today is five giants: Weston, Loblaw's, Argus Dominion, Steinberg's, A & P, and Safeway. They are monopolies that are an oligopoly, because you have got a group of monopolies. Each of these is engaged in the production of food, the transportation of food, the processing of food, the wholesaling of food and the retailing of food. Each of the links along the way takes its profit. The profit all goes into the same pocket.

How, in that picture, could anybody have the naiveté to suggest that what they want is a free, competitive market, and that what they want is in the best interests of the consumer. That's the way to rook the consumer and that's the way to rook the farmer. And I hope sometime soon the Canadian Consumers Association is going to wake up to reality and not be engaged in some 20th century regurgitation of Adam Smith in its purity. It's a little out of date, it's as out of date as Aunt Minnie's hoop skirt.

Mr. Sargent: Right on.

Mr. MacDonald: Let me go on to the two points.

They say: "Our concern with the proposed amendment is therefore understandable." You can understand they're going to be concerned in view of that garbled account of economics, with no reference to the real world. So they object to the proposition that the boards are going to be given the authority to set minimum rental fees.

As my hon. friend from Huron-Middlesex has already pointed out, the reason that's there is so the integrated industry isn't going to be able to set a phoney \$1 per acre, or something of that nature, suggest they're producing food more cheaply, and thereby undercut the marketing board. Then, of course, they go on to their usual vendetta against production quotas and the whole exercise of supply management.

Just let me say this in conclusion: I hope some of us can sit down sometime soon with the Canadian Association of Consumers and give them a few facts with regard to marketing, marketing boards, and what the farmers are entitled to as a fair return in light of the figures already on the record.

Mr. Riddell: Couldn't agree more.

Mr. MacDonald: Good, we agree on some things. We disagree when it gets down to that basic philosophy, that pursuit of the myth of free enterprise. Because it is—

Mr. Samis: Albert will give us a lecture on it.

Mr. Roy: When you get carried away on nationalizing everything, we are bothered; and you espouse that very often.

Mr. Acting Speaker: Order.

Mr. MacDonald: Mr. Speaker, I have concluded my remarks, I just want to say one thing further. Normally, I don't object to bills being sent to committee, but in this instance there is no need for the bill to go to committee. The minister has met with all of these people. He has explained the situation. He has set up a committee which is going to work it out.

I suspect the hon. member for Huron-Middlesex is correct: This has been sent to the committee primarily because there is a group of people, headed by the former local bagman for the Tory party, who are making a real attack on this from down in the Northumberland area. That's why the government has had to bow and at least give them their last day in court.

Okay, let's give them their day in court; it may be an opportunity to expose the kind of structure built down there, in which it is my impression the producers are getting the short end of the stick.

We support these bills. We support them with vigour, and I hope we can proceed, get them through and give them third reading and royal assent.

Mr. Conway: A great farmer.

Mr. O'Neil: I have a few words to say on this, because I am a member from eastern Ontario. Trenton has been mentioned a couple of times. I might state—

Mr. Conway: Great town.

Mr. Mancini: Well represented.

Mr. O'Neil: —that both of these companies, or the co-op mentioned, lie outside of my riding, but some of the problems which they are discussing do affect farmers within my area.

I have not been totally in agreement with the remarks of our member for Huron-Middlesex, but I do appreciate the research that he has done.

Mr. Martel: Here comes the split.

Hon. Mr. McKeough: The schism.

Mr. O'Neil: As members from eastern Ontario we have been called, phoned and wired by some of the farmers and people mentioned in today's discussion.

Mr. MacDonald: He is trying to have it both ways at the same time.

Mr. Conway: I want you to know I heard—

Mr. O'Neil: The member for York South mentioned he was sorry to see it going to committee. I am not at all sorry. When certain accusations are made, people should be given the opportunity to appear at committee meetings to show either that they are untrue or that they are true. Therefore, I will see that some of the people named today are given copies of the minister's introductory remarks and the remarks made by some of our and the NDP members, so they are fully familiar with what has been said, so they can come prepared to let us know whether those statements are true or not.

This thing goes into other problems, and the member for York South mentioned where some of the problems lay. I think some of the blame lies with the present minister and with his ministry staff. I feel, as was mentioned, that these problems were mentioned a long time back, and if the fault lies with Mr. James, or if it lies somewhere in the marketing board, or with the Eastern Ontario Vegetables Growers Co-op, these arguments should have been put to these different people and the problems should have been corrected.

[4:45]

Hon. W. Newman: What do you think we did for crying out loud?

Mr. O'Neil: If that is the case, why wasn't this thing brought to a head sooner? Why wasn't this bill introduced sooner?

Hon. W. Newman: I will explain it all to you later.

Mr. O'Neil: Very good. I'll be looking forward to your explanation.

Mr. Samis: He is the labour critic.

Mr. O'Neil: I also feel, besides placing some of the blame with the minister and his ministry—

Mr. MacDonald: You can't be on both sides of the fence at the same time, you know.

Mr. O'Neil: —that also some of the blame should be placed with the Ontario Federation of Agriculture.

Mr. Mackenzie: How about the real estate board?

Mr. O'Neil: These are the problems that exist. They have been aware of them for some time. It is their obligation to have appeared before those farmers to explain the circumstances as they were.

Hon. W. Newman: That's what they did.

Mr. O'Neil: Why didn't you do something about it?

Mr. Acting Speaker: Order!

Mr. O'Neil: Our member for Huron-Middlesex has gone into this very well—

Mr. Martel: You had a rough time with labour, wait till the farmers get you.

Mr. O'Neil:—and I hope that some of the solutions he has come up with will be looked at very carefully by this committee that you have set up or are setting up. But I would like to read from the judgement between the Farm Products Marketing Board and the Eastern Ontario Vegetable Growers Co-operative, some remarks made by Judge Lerner.

Mr. Makarchuk: Make sure you send this out, make sure you mail out this speech.

Mr. O'Neil: And I may quote: "Sweet corn growers in the eastern part of Ontario have suffered a gradual loss of markets for processing because local processors have ceased to operate. It was alleged that these processors were unable to meet the competition of the export market because the negotiated prices which they were required to pay have not been competitive. The negotiated price has apparently risen sharply in recent years and the European export market prices are falling.

"Of the annual harvest, 80 to 90 per cent is marketed out of Ontario. These eastern Ontario farmers and growers have, since 1976, had no processors to whom they can sell their corn. This allegation was not challenged by the board. Therefore, what may constitute a successful marketing plan for some areas of Ontario's sweet corn producers appears to be otherwise in the eastern Ontario growing area."

Mr. MacDonald: It was none of his business.

Mr. Conway: Settle down, settle down.

Mr. O'Neil: As I say, there was some mention made in the remarks by the members talking about the vertically-integrated companies, and a lot of those companies or most of them are located in western Ontario.

For the information of the Legislature, approximately 22 to 25 per cent of this market is controlled by these large integrated companies. When we look at eastern Ontario where at one time we used to have many producing plants, many canning factories to look after the produce that was produced in that area—

Mr. Conway: The Tories have run them all out of town.

Mr. O'Neil:—Prince Edward county, Murray township, Quinte riding; we no longer have these plants to look after these things for the farmers.

Mr. Mancini: That's your industrial strategy.

Mr. O'Neil: I think it is the obligation of this minister and this ministry, and the Ontario Federation of Agriculture, to look at the problem that we have in eastern Ontario; to see that these farmers are given a chance to compete in this market. As I say, our member for Huron-Middlesex came up with some good recommendations and I hope that they are looked into very carefully.

I think it would be very useful also if some of the research staff in this Legislature from the different parties were to look into some of the large amounts of grants and loans that have been made to these integrated companies. Some of these loans have helped to drive some of the other smaller canning factories out of business.

Mr. Samis: And your friends the feds?

Mr. Haggerty: You buried them.

Mr. Conway: Big business Tories.

Mr. O'Neil: I am not a farmer in the sense that some other people can talk about it.

Mr. Samis: No, you are not.

Mr. Conway: But you are close.

Mr. O'Neil: But I would say this, I am pleased that this thing has been brought to a head. I look forward to it going to committee on Thursday. I look forward to the people who have been named in the Legislature today being able to appear before that committee to pour forth their arguments; as I say to either prove or disprove, on both sides. That is all that I have to say, Mr. Speaker.

Mr. Conway: No wonder you won by 7,000 votes!

Mr. Samis: Mr. Speaker, first of all let me say that I don't intend to in any way match or emulate the balancing act just perpetrated by the member for Quinte.

Mr. O'Neil: It is not a balancing act at all.

Mr. Samis: I speak on this bill, as the member for Renfrew North well knows, as a part-time scrub farmer, from the fertile climes of Cornwall, not unlike those of Renfrew North. Let me say very succinctly that I would fully support the amendments being brought in because I think there is a fundamental principle involved, as my colleague from York South and the member for Huron-Middlesex have indicated. If we are going to try and preserve independent operators, if we are going to try and preserve some degree of competition in the agricultural industry, obviously we have to do something about the whole question of vertical integration.

As my colleague from York South has said, we are not talking about small enterprises. We are not talking about entrepreneurs; we are talking about giants, conglomerates, multi-nationals; involved in the essence in vertical integration.

And it is not just in the agricultural sector. We see this in the resource sector as well. How can a small co-op or a small farmer compete with that, or how can he even survive on a regional basis? It is rather unfortunate that these interests have tried to utilize this loophole to full advantage and obviously, to the detriment of the marketing boards. That indicates a need to do something and we are glad, on this side, that the minister has finally decided to take action and close the loophole. I know we on this side are always conjured up as the party that would try to nationalize everything, prevent small entrepreneurs from existing, expanding, growing or surviving. But I think if one looks at the record, Mr. Speaker, it is very clear that my colleague the member for York South has been an early, strong, consistent and articulate advocate for marketing boards. He fought the battle for supply management in terms of the farm income plan, and we make no bones about our policies here in the NDP in terms of agriculture.

We have always supported the principle of competition and the small farmer; and we have always been prepared to take on monopolies, cartels, conglomerates; or the essential principles of vertical integration, we don't try to straddle the fence on that one.

Obviously we have had mixed success in that regard, but our principles and our policies have always been designed to aid and abet small farmers, marketing boards and co-ops. And that goes back to the history and the days of the CCF in Ontario—

Mr. Conway: Tell the truth, tell the truth! Remember J. J. Morris.

Mr. Samis: Is our ivory tower colleague from Renfrew North suggesting something?

Mr. Conway: Don't confuse the past.

Mr. Samis: Let me say that the independent operator has a vital role in the future of the agricultural economy in Ontario. Marketing boards we believe are essential, absolutely essential, for the survival of agriculture. I was glad to see that my colleague from York South talked about the Consumers Association of Canada and their mythical belief in free enterprise and the idea that these conglomerates can go unchecked if we have no marketing boards.

Obviously marketing boards are essential for the small farmer, for the regional distribution of goods. Small farmers will not survive without strong legislation protecting all aspects of marketing boards; and if this loophole is to be closed, it must be closed firmly today. I congratulate the minister on finally taking action.

Mr. Mancini: Mr. Speaker, I am pleased to rise and make my contribution to the debate concerning Bill 102 and Bill 103. I certainly support the amendments which have been brought forth by the Minister of Agriculture and Food. We have waited quite some time for these amendments to come forward. I have had many discussions in my area with people involved with marketing boards and we were very concerned about the slow tack the minister used and, at one point in time we feared that he might not introduce the amendments at all.

If my facts are correct, I think at one point the Premier (Mr. Davis) was involved in these meetings. I would just like to say for a person who is supposed to be the protector of the farmer in this great province, we were a little disappointed in his manner. Anyone who would be the Minister of Agriculture and Food should have moved with a little more haste.

Mr. Speaker, it has taken over 40 years to build up the marketing board system that we have here in the province of Ontario. We know what would happen in this province if the farmer did not have this protection and if he had to deal himself with the processor. We know what would happen in my riding of Essex South where we have the Greenhouse Vegetable Marketing Board if the farmers had to deal themselves with Steinberg's. We know what would happen; Steinberg's would send down a representative and they'd make individual contracts with the individual farmers.

Hon. W. Newman: I'm listening.

Mr. Mancini: Just keep listening. First thing you know, the farmers wouldn't be making any money and Steinberg's would be buying up and owning the land and the farms. I don't think this is what we want in the province of Ontario.

That's why I'm supporting these amendments. I think they should have been brought in earlier. I would also like to comment and say I don't think this bill needs to go to committee.

Mr. Samis: Oops, here we go. Talk to Hughie.

Mr. Mancini: This problem needs immediate attention. I really wonder why the

minister has to send this bill to committee when he has already met with the Federation of Agriculture, and has already talked with all the marketing board people on several occasions. As a matter of fact, some of them were complaining to me he was off gallivanting down to Australia while this problem was on the back burner.

Mr. Conway: Worse than the Minister of Industry and Tourism (Mr. Bennett).

Mr. Mancini: I don't know why we have to delay the implementation any further. I would just like to close by saying we are glad he has brought in the amendments and we're certainly ready to support them.

Mr. McGuigan: I rise in support of this bill; and I don't wish to add any more to the very well stated arguments of the member for Huron-Middlesex and the member for York South. But I rise with great personal satisfaction, because I've waited 40 years, I guess, to have a personal hand in this. It's going to give me a great deal of satisfaction to vote in favour of this bill.

As a child at school, in deciding on a career, one of the two main elements that made me decide to work the family farm were the example of Herb Hannam, who revitalized and reorganized the Ontario Federation of Agriculture. The other was the government of the day which brought in the Farm Products Marketing Act at various times during the middle 1930s. These, of course, were tested in the Supreme Court. I would remind the hon. members that when that Act was finally passed, it was passed in this Legislature without a dissenting vote.

I would like to say that personally I have been a member of a co-operative that was organized in 1953 to process and sell frozen cherries. Those original five people have now grown to about 40 members. They struggled and clawed and fought their way into the domestic market, and eventually into the export market where we now have quite an impact in selling frozen cherries to Britain.

Of course, the temptation, I guess, was always there to judge the situation, as these people have in eastern Ontario. I'm proud to say in all those years, in spite of the very great difficulties and the hardships we had to go through in order to fight our way into that market, at no time did we ever consider paying the farmer less than his full negotiated price.

I'd just like to remind members of what might happen if these actions were allowed to destroy the Farm Products Marketing Act. In Canada 75 per cent of the groceries are sold by these five corporate chains already

mentioned by the member for York South. In contrast, the corporate chains in the United States only hold between 30 and 35 per cent of the market. The Canadian chains have great influence and are able to dictate to growers. It's been my business and my life to deal with these people, and I could tell you many personal horror stories, but time is late and I don't intend to do that.

[5:00]

Among the abuses in processing would be overcontracting; the companies would contract for more than they were able to process, in order that there be a constant line of fresh product at their door. The farmer, of course, would bear the cost of that. Another was delayed payments, which were very much a part of this industry years ago. Farmers waited months, sometimes into a second year, before they were paid for their product. Oftentimes they did not even know what they would be paid, because they were paid on a consignment basis. Intimidation—the farmer had to use some of the services of the processing company in order to get a contract; or in order to grow one crop that was possibly profitable, he'd have to grow another that would be unprofitable.

Concerning the destruction of the family farm, three weeks ago, Mr. Speaker, I listened to an economist speaking to the Chatham Chamber of Commerce rural-urban meeting. He was Dr. Henry Courtney from Purdue. He said the battle was already lost in the US. The farmers there had to face the reality that the traditional family farm was gone.

I could not help think, when I listened to him, that we could give him a lesson here in Ontario and Canada on how we have managed to resist this trend. What we're doing here today is going to result in strengthening and adding a great deal to the future of the Ontario farm.

I will support this; I'm going to vote for it with a great deal of pleasure.

Mr. Nixon: Thank you, Mr. Speaker. As a representative for an agricultural constituency, I want to add my voice to others raised in support of this bill.

I really wish we had had similar support a decade ago, when some companies—York Farms particularly comes to mind—were using the legislation and the loopholes in it to vertically integrate the production of vegetables. There was a time in our area, on our farm, when we grew green peas as a profitable crop. We did a good job. Before we knew it, York Farms had integrated farmers like myself and my neighbours right out of the business, and we've never had a chance

to take part in that part of agricultural production since that time.

However, I feel there has been a commitment on all sides of the House to the concept of orderly farm marketing through marketing boards. When I was first elected in 1962, there was deep concern with the powers of the Tobacco Marketing Board. The House, under the leadership of Bill Stewart, supported on all sides, and urged forward by myself, passed legislation that gave the Tobacco Marketing Board extensive new powers which I feel have put the tobacco industry on an orderly basis. Naturally they continue to face problems associated with markets, foreign and otherwise, but I believe the board has the powers, through the support of the producing farmers, to solve these problems in the best possible way. All they need is a little more support from government, probably another cent per pound to assist them in marketing. While they're delighted that the minister undertook, at a great personal sacrifice, to travel around the Pacific Rim selling tobacco, we look forward to the orders being placed on a continuation—

Hon. W. Newman: Go to the auctions.

Mr. Nixon: —of the concern of the government both here and in Ottawa for expanding those markets.

The next thing that faced us was the problem in milk marketing. We well recall the commitment given by this Legislature in establishing, under the Milk Act and the Milk Marketing Board, a system with unquestioned powers to regulate and control every aspect of the fluid industry. I just wish we had at that time taken the strong step in integrating markets so that we still didn't have division, which we hoped would disappear as the market expanded.

I can remember confident hopes and expectations—

I can remember the confident hopes and expectations as we read the numbers of government reports, and reacted to the legislation that was put before us in this House, that indicated we would have an integrated milk market and not the continuing division between the two governments, federal and provincial, and basically the two markets, one dealing with fluid and the other dealing with manufactured milk.

Of course, Mr. Speaker, in those days we had an agricultural committee of this House, and I have never gotten over a feeling of regret that in the so-called efficiency of recent reorganization, we have more or less parlayed ourselves out of an agriculture committee. Of course we have a committee that deals with agriculture bills, but it has a very broad

responsibility in related areas of the development of resources. I would look forward to a swing of the pendulum or a rotation of the wheel which would see in this House once again the establishment, or the re-establishment of an agriculture committee that dealt with this singularly important industry, important in this province and to the members of this House.

Mr. Conway: Do you want Bill Stewart back too?

Mr. Nixon: We were quite concerned as well, Mr. Speaker, with a commitment to one farm organization. It sounds like sort of an old fashioned approach, and yet I, at the time, spoke, and as a farmer voted, in favour of a single farm organization. I remember the then Minister of Agriculture and Food went quite far out on a limb in that regard. I admired him for taking the stand at the time and I was prepared to support him, as I say, as a farmer.

I feel that the farmers do speak largely with one voice, although there are other well-organized organizations that speak for smaller groups of farmers and certainly, in the way it is developing, do often add different approaches that are interesting, if not always as useful, and are directed to practical solutions, as is the federation itself.

I say, Mr. Speaker, that I regret, to some extent, the comments made by the member for York South when he questioned the commitment of the members of this House to the concept of farmer-controlled marketing. He was practically imputing motives, I thought, to the Minister of Agriculture and Food and my colleague from Huron-Middlesex, because I am sure that the voting record and the comments in this House would show that there is no stronger supporter of the farmer as a producer and a marketer than my colleague from Huron-Middlesex. He's a practical farmer himself and, in my view, he is one of the ablest spokesmen in that area that we have in the House. I want to congratulate him for the positions of leadership that he has taken.

Mr. MacDonald: I just wanted to draw attention to the conflict between that and free enterprise.

Mr. Nixon: Well, I suppose you had to get your digs in in that regard, but it appears that we are pretty much on the same side here. Perhaps there has been some reluctance on the part of the ministry or the minister—and in any interjected criticism about who is running who over there, the criticism is of course directed at the minister. I have often felt that he didn't really

have enough self-confidence to take a hold of these issues the way he should, and I was even somewhat critical in the estimates. You know we had the feeling that whenever the Treasurer (Mr. McKeough) coughed the Minister of Agriculture and Food got pneumonia, because we certainly haven't seen the commitment of dollars in this huge budget to the Ministry of Agriculture and Food that perhaps we should otherwise have enjoyed.

I want to close with this comment. Probably this is where I disagree with the member for York South and the Minister of Agriculture on something pretty basic. I have always felt it was a mistake when we changed the name of the Ministry of Agriculture to—well, then it was Department of Agriculture—to Department of Agriculture and Food. I recall the first change was to Food and Agriculture—

Mr. Deputy Speaker: Would the hon. member tell me what section he's speaking to?

Mr. Nixon: It has to do, Mr. Speaker, with the orderly marketing of farm products which is, in my view, the principle of this bill. However, I will take your admonition and just say that since you allowed the member for York South to deal extensively with the consumer, with the Consumers Association of Canada, my concern is probably that the Minister of Agriculture and Food, and therefore the ministry, is concerned too much with the consumer. He should be a minister of agriculture and not a minister concerned with anything but quality, because I believe we still have a cheap food policy in this province which is not acting in the best interests of the farmers' concern. The minister's colleagues from a number of other ministries and departments have every responsibility to talk about the prices that the consumer pays, it's up to a minister in agriculture to concern himself with the welfare of the farmers and the quality of the products they sell. The welfare of the farmers, as far as I am concerned, has to do with the return they get at the marketplace, and in my view this has been inadequate for a good long period of time.

I understand that the Treasurer wants to take part in this debate and assure us that he is supporting the farmers, even though the facts and figures in his budget year by year certainly do not reflect that. It may be that we can entice him to enter into this debate.

Certainly, as the member for Brant-Oxford-Norfolk, I am very much in favour of the principle of this bill. I wish that the

powers for marketing boards in general had been strengthened long ago, and I might even still have been making a profit on selling canning factory peas, rather than having been forced out of the market by vertical integration.

Mr. Swart: I really had not intended to speak on this bill, but the members on the other side are applauding the fact that I am going to, very briefly.

Mr. Nixon: What stimulated you?

Mr. Swart: I rise because it seems to me rather important that someone from the Niagara Peninsula should speak on a bill which has such very serious implications for the Niagara Peninsula.

Mr. Haggerty: Move over, will you?

Mr. Swart: To date there has been no one from the Niagara Peninsula speak to this bill.

If the loopholes which have been opened up were permitted to continue, they could have rather devastating effects on the producers in our area. The Niagara Peninsula has quite a large number of broiler producers and other chicken producers who are finding it difficult enough at the present time to make ends meet. If there could be an extension of what happened already in the courts, it could have a serious adverse effect on those people, certainly in the Niagara Peninsula.

Hon. W. Newman: On the broiler industry?

Mr. Swart: Yes. In addition, we have a rather strong tender fruit marketing board in the Niagara Peninsula. At the present time we have there, basically, only one canning company dominating the processors there. It seems to me that in the not too distant future there is a very real likelihood that the producers there hopefully with the assistance of the provincial government, will establish a co-operative cannery. If so, it is important that they have the strength of this legislation behind them.

The grape industry lends itself to vertical integration. In fact, as people in the House will know, there has been a substantial amount of this in the grape industry. So once again, for the grape producers we need the protection of the amendments which are in this bill.

For all of these reasons, and perhaps more particularly the ones given by the member for York South, I am pleased to see these amendments being brought before this House, and certainly I will support them.

Mr. Deputy Speaker: Is there any other hon. member who wishes to participate in this debate?

The hon. minister.

Hon. W. Newman: I would just like to go over a few of the comments made here today. I would like to thank the member for Huron-Middlesex for his very comprehensive report on the reasons for passing this legislation. I followed his discussion with a great deal of interest and I think he did a great job. I'm glad I have a copy of it.

Mr. Conway: He is going to make one heck of a good minister of agriculture.

Hon. W. Newman: I certainly do want to point out that I know Mr. Eban James quite well, believe you me. But I don't know what his political affiliation is. Whatever it is, I think it's the wrong thing to bring up in this House. I have no idea what his politics are and when I am dealing with the farm organizations I don't ask what people's politics are. I deal with them as farmers and as human beings. I don't look at their political affiliations. I think we should all do the same thing.

Mr. MacDonald: Don't try to kid us.

Hon. W. Newman: I'd just like to say to the member for Huron-Middlesex that he spoke so well today and did such a great job that I'm not going to have a great deal more to say. I think it's about time he came across the House over here.

Mr. Nixon: He will cross, he will be the minister this time next year.

Hon. W. Newman: I'm glad to see the member for York South, the Yonge Street farmer.

Mr. MacDonald: Welcome ye from Forest Hill.

Mr. McNeil: That's the reason you're over there and we're over here.

Mr. Nixon: Did you say the minister lives in Forest Hill Village?

Hon. W. Newman: That's exactly right—that's why the NDP doesn't have any rural members and that's why you will never have any rural members. I'll tell you why you won't have them, I'll tell you exactly why—

Mr. MacDonald: Why don't you deal with the issues instead of this—

Hon. W. Newman: You asked why we delayed this legislation. I'll tell the member why. It was because we had a lot of co-operation and a lot of discussion with the Vegetable Growers Marketing Board and with the eastern Ontario co-op. There was an understanding last year which was not

lived up to. But I have met with them all, I've been involved with them all, I've discussed it all with them, and we tried our best to work this out.

Mr. Nixon: What was the understanding?

Hon. Mr. McKeough: Carried.

Hon. W. Newman: We did our best by persuasion. So finally, we would not issue a licence and this led to a court case and the decision was handed down on August 24—

Mr. Conway: Of 1977?

Hon. W. Newman: Of 1977, that's right. As a result of that we looked at the possibility of an appeal procedure from that court decision and we decided that we would move forward with legislation.

I had already moved before we met on October 17 to prepare the legislation.

Mr. MacDonald: Just a coincidence.

Hon. W. Newman: You check it out. You'll see that I had already moved to prepare the legislation. It's quite interesting, the member for York South says—what does he say about those lawyers, those perverse decisions he talks about? How could we act in advance when we had all those perverse decisions you're talking about?

Mr. MacDonald: You agree they were perversions.

Hon. W. Newman: I didn't say—

Mr. Speaker: Could we have some order. The hon. member for York South has already spoken in this debate.

Hon. Mr. McKeough: Carried.

Hon. W. Newman: I guess what really bothers me about the member for York South is that he asks where I stand. I'll tell you where I stand and I'll tell you where this government stands; it's behind the farmers of this province. We always have and we always will. That's why we're over here, and don't you forget that.

Interjections.

Hon. W. Newman: The member for Brant-Haldimand was talking—what's your riding?

Mr. Mackenzie: Those barnyard fumes got to you, Bill.

Hon. W. Newman: Anyway, the swimming pool farmer I call him. He was talking about my trip around the Pacific Rim. You might be interested to know there have been buyers here for the first time in 15 years—buying tobacco—from Australia. There are buyers here, buying tobacco, from Hong Kong, for the first time in many years.

Hon. Mr. McKeough: Get back to the bill.

Mr. Nixon: But the Premier is taking credit for that.

Hon. W. Newman: I'm just telling you that we were very successful, so don't knock it because it helps your counterparts in Ottawa—

Mr. Foulds: With the ginseng.

Hon. W. Newman: —with their balance of payments. There are several things that I'd like to say. I want to thank you all for supporting my bill. I think that augurs well for the future of agriculture in this province, that everybody is supporting it.

I don't know what the member for Welland-Thorold (Mr. Swart) was saying, but let me point out to you I still don't understand what you were saying and I'll try to read it out of Hansard to comprehend it.

To the member for Quinte (Mr. O'Neil), I would just like to point out it wasn't because of what you said or anyone else. I've had several representations ask for it to go to committee so people could make representations both for and against the bill.

Mr. Haggerty: That is a good suggestion.

Hon. W. Newman: I am going to ask, if we get second reading here, that we take rule 19, I believe it is, of the standing orders and—I don't know the proper procedure, Mr. Speaker, but you will know better than I do—could we take this to the standing committee on Thursday afternoon, if we get second reading today, and it appears we are going to.

I understand that the Treasurer has another bill he'd like to bring forward—

Mr. Samis: He gave you the word, eh?

Hon. W. Newman: —and therefore I'm not going to say anything further, except to say I think these are good amendments to both the Farm Products Marketing Act and the Milk Act. It will strengthen the farmer's hand and I'm only too glad to bring this forward. With your co-operation we'll have it as legislation before negotiations start.

Mr. O'Neil: What do you see as the solution in eastern Ontario for these growers?

Hon. W. Newman: Listen, I set up a task force. Doesn't the member read? Doesn't he know what is going on?

Mr. O'Neil: Yes, I do, but I'm asking the minister.

Mr. Speaker: Just ignore the interjections, this is not a debate.

Hon. W. Newman: All right, Mr. Speaker, I will talk about the task force I set up.

Mr. O'Neil: What's the solution?

Hon. W. Newman: I set up a task force chaired by the chairman of the Farm Pro-

ducts Marketing Board, Dr. George Collin with members from the Vegetable Growers Marketing Board and from the processors.

Mr. MacDonald: That is all on the record.

Hon. Mr. McKeough: Carried.

Hon. W. Newman: This task force is now at work. The vegetable growers board has offered to co-operate to help them solve their problems.

Mr. Samis: The Treasurer speaks from the heart.

Hon. W. Newman: So, Mr. Speaker, I just don't want anybody to think this government doesn't support the agricultural community of this province, because we do, right down the line. I could go on at great length, for hours—

Mr. Nixon: Go ahead.

Hon. W. Newman: —but I won't.

Mr. Conway: Why do you dislike eastern Ontario?

Hon. Mr. McKeough: Carried.

Hon. W. Newman: No, wait a minute, I just got a note and the member had better hold on until I see what it says.

Somebody says keep talking; no, I don't intend to do that.

Mr. Warner: Only a masochist could send a note like that.

Mr. Cunningham: The Treasurer doesn't care about farmers.

Mr. Conway: Tell us why you don't like eastern Ontario.

Hon. W. Newman: I hope I have answered all the concerns. Both parties have agreed with me so much that I really can't answer too many of their concerns except a few of them.

Motion agreed to.

Ordered for standing resources development committee.

MILK AMENDMENT ACT

Hon. W. Newman moved second reading of Bill 103, An Act to amend the Milk Act.

Mr. Riddell: The amendments to Bill 103 are simply in keeping with the amendments to Bill 102.

Mr. Foulds: Mr. Speaker, our caucus discussed this bill very fully and we are in support of the bill, as we were of the previous one because it does essentially the same thing, only it makes it uniform throughout the marketing procedure.

Motion agreed to.

Ordered for standing resources development committee.

AUDIT REVISION ACT

House in committee on Bill 43, An Act to revise the Audit Act.

Hon. Mr. McKeough: Mr. Chairman, I have amendments to section 10 and section 11.

Mr. Chairman: Are there any comments or discussion on any section prior to section 10?

Mr. Germa: Mr. Chairman, I would like to present an amendment on section 9.

Sections 1 to 8, inclusive, agreed to.

On section 9:

Mr. Chairman: Mr. Germa moves that section 9 be deleted and the following be substituted therefor: "The Auditor shall audit, on behalf of the Assembly and in such manner as the Auditor considers;

"(a) The accounts and records of the receipt and the disbursement of public money forming part of the consolidated revenue fund, whether held in trust or otherwise;

"(b) The accounts and financial transactions of all agencies of the Crown and the accounts and financial transactions of all Crown-controlled corporations."

Mr. Germa: Mr. Chairman, this particular amendment was discussed in committee. It is subject matter which has been discussed, not only in this Legislature but Legislatures throughout Canada, and throughout the entire world in fact.

The intent of the amendment is to require that the Auditor shall be the auditor for all Crown corporations and Crown agencies. I think there is a good principle involved here, that an auditor who is auditing public moneys is a different kind of cat to those auditors who are auditing private funds. I think their terms of reference are different. I think their objectives are different, and for that reason—I think the amendment should be given serious consideration.

The House of Commons, of course, recently has reversed its decision, but the House of Commons public accounts committee was of the opinion, since 1969, that the Auditor General should, in fact, be auditing all accounts of the federal government. They have recently changed their opinion, of course, but it is not a unanimous opinion, so that anyone's opinion is valid. I believe that the auditor of public accounts should not be the auditor in the private sector. This is precisely what we have here right now.

In fact, one of the biggest Crown corporations in the world, Ontario Hydro, is now audited by a private auditor who applies commercial standards to the audit of public funds. There is a long history to dictate that

this is not proper and that the person who audits public funds should not be connected with the commercial world whatsoever.

It is with this intent in mind that I present this amendment. There is a large body of opinion, and if we go to other jurisdictions we find in many areas, such as West Germany and Israel and the United States, and various other areas, that all publicly controlled corporations, Crown corporations—they are called by different names in different jurisdictions—the Crown auditor audits the expenditure of all public moneys.

There is a new concept in the bill, I think, which requires and gives further strength to my proposal that the Provincial Auditor should audit all Crown corporations. It is the new concept in the Audit Act which requires that value for money shall be a consideration when the Auditor is doing his audit; this is a new concept.

Up until this point in time, the Auditor was only required to go through the jiggery-pokery of adding and subtracting figures and making a statement that, in his opinion, the figures represent a true picture of the financial situation of the corporation. Now under the new Audit Act, he is required to make a determination that value for money has been received. It escapes my comprehension that you are going to be able to train 5,000 or 6,000 private auditors to this new concept of value for money. It is going to be difficult even for the Provincial Auditor, to come to some conclusion on how he can evaluate that the province has received good value for money expended. It is a whole new concept in the audit principle.

I think if we are going to measure value for money, and this whole new concept, we are going to have trouble—even the Provincial Auditor is going to have trouble. Surmising that any other accountancy firm working in the private sector, which does not have to take that into consideration, is going to have the expertise; such a thing just escapes me.

If we expect the new Audit Act—and a lot of us have great expectations for it—to bring a new level of scrutiny to public spending, that we would expect private auditors to also accomplish this same expertise is unrealistic. That is an added factor to why I move the amendment that the Provincial Auditor should, in fact, audit all Crown corporations.

[5:30]

Now on the federal scene, while they haven't accomplished this, the Wilson committee, which studied accounting practices in the federal sphere, did recommend that those Crown corporations whose expenditures had

an effect on the consolidated revenue fund should be audited by the Auditor General, which means to say that those corporations which are working in the commercial field and do not need transfers of money from the consolidated revenue fund are exempt from the Auditor General. Well if that concept is valid, then I suggest the other concept is valid, that where any public dollar is spent, be it by transfer or by arm's length commercial corporation, the Provincial Auditor, as a responsibility to the electorate of Ontario, should have it in his power to take a look at those audits.

Certainly there is provision in the new bill that the private auditor shall report to the Provincial Auditor, but that is not enough. There is even some concept of conserving public funds in the expenditure on public audit. In the case of Ontario Hydro, I think, we were told at the committee level that we are spending in excess of \$145,000 on private audit. It is my impression that these functions could be accomplished at greater savings to the public purse, and to my mind, it would better serve to ensure that good value is being received for the public dollar being spent.

Mr. Reid: As chairman of public accounts, I wonder if I could make a few remarks previous to addressing myself to section 9 and the amendment placed by my friend and colleague from Sudbury.

Mr. Chairman: I would remind the member for Rainy River that we are discussing the amendment to section 9.

Mr. Reid: Right. Well, I am going to do that, Mr. Chairman. I was just going to say we have had rather a thorough go at this in the committee of the whole, with all members of the committee there, as well as the Treasurer and the Auditor. It was discussed at great length; this motion was put then and was defeated by the members of the committee.

I would say that there didn't seem to be any real, concise, and firm stand taken by our colleagues in Ottawa as to whether all of these matters should be placed under the jurisdiction of the Provincial Auditor, or whether or not in fact there were benefits to accrue to the province of Ontario and the Provincial Auditor in having some of these agencies and Crown corporations come under the audit of what we commonly call the private sector. It seems to me there are a number of advantages to having outside audits, for want of a better word, in that the commercial firms or the private sector firms are probably going to bring a different perspective and a different approach to the audit

of these Crown corporations and Crown agencies.

It seems to me that, particularly under section 9, this is the most comprehensive public Audit Act in Canada,—

Hon. Mr. McKeough: Hear, hear.

Mr. Reid:—including the federal government. The provisions under section 9 more than guarantee that the Provincial Auditor of the province of Ontario has access to all the information that will be provided by the private sector auditors, that if he's not satisfied with the information that he does receive under section 9, subsection 4 and the previous sections, that he has, in fact, the authority to get all the information that he so requires.

I have a particular bias that I must admit to in this regard, and that is that I don't believe that the government should be doing everything, or in fact that we require that everything has to be under the direct scrutiny of the civil servants employed by the province of Ontario. I think the knowledge and the perspective to be brought by outside auditors to the operations of these Crown agencies and corporations, who do not act as ministries of the Crown, who in many cases operate on the basis of a commercial operation, is a very healthy thing.

I would be prepared to support the amendment as put by my friend from Sudbury if the Auditor did not have the powers under section 9 that he does. But under section 9 he has the ability and the authority to ask for all the documents, to ask for the audit as done. If he's not satisfied with that, he can request further information and do an audit of his own if he's not satisfied with what he has.

We had a lengthy debate on this matter. My position has not changed. Perhaps sometime down the road circumstances will change and the provisions as put forward by my friend from Sudbury will be placed in the Act. But at this moment I think the provisions to section 9 more than sufficiently protect and guarantee to the people of the province of Ontario that their tax dollars are being spent as they should be. With that, Mr. Chairman, and because we have had a full debate on this matter, I will say that this party cannot, at this time, accept the amendments as put forward by the member for Sudbury.

Mr. Warner: It's very disappointing.

Mr. Makarchuk: Mr. Chairman, most of what has been said has been said before, but I think we have to put on record that one of the reasons this amendment is moved is to provide or give the Legislature some power or leverage to examine the books of Ontario

Hydro, to examine the spending of Ontario Hydro. I'm amazed that the Liberal Party, on the one hand has been making a great issue in the question period about Hydro, and on the other hand when possibly you have an opportunity to examine the spending and accounts of Hydro you back off on it.

This is the reason we feel on this side, that the commercial auditors have certainly one set of standards; that they operate on the basis that there has to be a voucher for everything; that money has to be spent and something has to be received. When you start talking about whether you bought the uranium for a proper price, or whether some other things have been spent, I feel that a commercial auditor will not be able to give us that kind of information.

I also feel that when that information is fed second-hand to the Auditor, a lot of it can be overlooked, not intentionally and not necessarily be concealed, but it could possibly escape scrutiny. That's the major reason for this amendment.

Public spending is a matter of urgent concern to the people outside this Legislature. It gives the members, for the first time, a direct opportunity to question the spending and whether we're receiving value for the money spent by Ontario Hydro.

The members, particularly of the public accounts committee, would then have the assistance of the Provincial Auditor with all his staff and his expertise that can be asked to assist either some committee of the House or the public accounts committee with the examination of the spending of this firm. We always have the Provincial Auditor available to us; I question whether we can have the private auditor available to the committee to answer questions. It is for these reasons we intend to vote for the amendment. It is a very important amendment. If this House has any sense of accountability for how money is spent we have to deal directly with it ourselves. No one else is going to answer for us.

Mr. Nixon: I want to refer briefly to the amendment put forward. It has an attractive ring to it until you compare it with the amendment put before the House and discussed in detail in the public accounts committee. Because in section 9 of the bill approved by the committee, it's clear that while the Auditor does not have the direct responsibility to audit the many government agencies and corporations, the Auditor has a clear power to get whatever information he in his wisdom may require in order to

examine the expenditure procedures in these agencies and corporations.

I would simply like to read you part of the subsections, indicating what information is needed from these corporations and agencies not now directly audited by the Provincial Auditor. Subsection C says:

"They shall provide forthwith to the Auditor, a full explanation of work performed, tests and examinations made and the results obtained, and any other information within the knowledge of such person or persons in respect to the corporation."

I would like to draw to your attention as well that the Auditor, while he's a servant of this House and under the direction of this House, normally receives his instruction in that regard from the members of the public accounts committee. That committee has an opposition chairman and representatives from all parties. I feel some satisfaction that the provisions of the bill before us do give good and sufficient powers, not only to the Auditor, but to the House and to the public accounts committee.

I hope I am not proved wrong. I personally am quite confident that any arm of government, its agencies or corporations, can be examined in any detail the Auditor feel necessary; if it doesn't come to his attention, and arises perhaps even as a political issue, the political party concerned can use the public accounts committee as the vehicle whereby the Auditor can be advised or even instructed to make whatever inquiries might be necessary. I feel the democratic safeguards are in this way provided by the provisions before us, without supporting the amendment that has been put by the member for Sudbury.

Mr. Makarchuk: A brief point with regard to what the member for Brant-Oxford-Norfolk said: I think what he said applies when you have a majority of opposition members on the public accounts committee. They can then direct or ask the Auditor to do certain things. However, when you don't have the majority, or have a situation as existed before the 1975 election, a lot of things can be blocked and the kind of examination you want can possibly be prevented. You could not obtain the answers—

Mr. Nixon: I don't think that shows much confidence in the Auditor.

Mr. Makarchuk: —for the simple reason that you perhaps are not going to be examining that aspect of whatever concerns some members of the opposition.

Mr. Reid: I take a bit of exception to what the previous speaker said the first time

he spoke and now. He seems to indicate we in the Liberal Party are not as concerned about these matters as perhaps we should be.

Mr. Foulds: Exactly right, you aren't.

Mr. Reid: He referred specifically to Hydro. If he would take the time to read the bill carefully, he would see those safeguards are there. We went through this in some detail during committee stage before the standing public accounts committee. The Auditor indicated he would have to hire additional staff; he couldn't tell us exactly how many more people would be involved. [5:45]

I admit to my bias. I would prefer to see some of this in the private sector. I think you get a balance this way. Surely if I felt for one moment that information was not going to be made available to the Auditor, and certainly to the public accounts committee—I think my friend is a little naive when he talks about a majority government, and there will be a majority government after the next election, and it will be a Liberal majority government.

Mr. Foulds: That's what we need protection from, Mr. Chairman, that's exactly what we need protection from.

Mr. Reid: I'm certainly glad my friend from Port Arthur agrees it will be a Liberal majority government he'll need protection from, I appreciate that comment.

Mr. Foulds: They are more Fascist than those over there.

Mr. Reid: But surely part of the safeguards in a democratic system is that certainly the majority rules, but the opposition opposes; and the fourth estate—the press—is there.

Mr. Nixon: That's a question for debate.

Mr. Reid: Well, we won't go into that at the moment, but they are there. There is a good and valid point that those democratic safeguards, as my friend from Brant-Oxford-Norfolk says, are in place. So really, I think the arguments from the last speaker from the NDP are a bit facetious.

Mr. Germa: I think it should be put on the record that in fact the opinion as expressed by the previous speaker was not a unanimous opinion from the members of his caucus. There was at least one member of the committee who was in support of the proposition for the specific reason that he wanted to get more information from Hydro. He was in support of such a proposition that the Provincial Auditor and the public ac-

counts committee should have access to the expenditures of Ontario Hydro. It was on the strength of this alone that he was in sympathy with this proposition. The words of the last speaker are just full of holes. It is not a unanimous opinion.

Mr. Foulds: That's putting it mildly.

Mr. Germa: Yes. Let me add this to my argument. Take a look at what other countries do, countries which have more experience, such as older European countries where governments have been dealing with this subject matter for a thousand years; we're only babies as far as government expenditures are concerned.

Mr. Reid: Would you suggest a committee to go there?

Mr. Germa: We're babes in the wood as far as these other countries are concerned. In fact, as far back as Aristotle—and that's going some way back—

Mr. Foulds: Almost as far back as the Treasurer.

Mr. Germa: —people were concerned about the audit of public funds. I'd like to read this quote from Aristotle: "Inasmuch as some of the magistracies handle large sums of public money, there must be another office to receive and account and subject to audit, which must itself handle no other business, and these officials are called auditors by some people, accountants by others, examiners by others, and advocates by others."

So it goes as far back as Aristotle that people were concerned about audit of public funds. They felt these people should have no connection whatsoever with any other jurisdiction. They have to be totally and absolutely independent and unbiased, and they must pursue their own method. I assert again that the method of accounting public funds is entirely different from auditing private funds.

I am going to take you on a trip around the world to show you just what is happening in other jurisdictions. In Great Britain, for instance, the Wilson committee report of March 1975, says—and I am quoting—"The Comptroller and Auditor General is required by legislation to examine and certify the annual appropriation accounts and other accounts of government departments and certain other bodies and report them to Parliament."

As far as I am concerned, Great Britain has closed the bottom of the bag and all accounting is done by the public auditor.

As far as the United States is concerned, auditing is done for all government corpora-

tions, which indicates that every public dollar spent in the United States is audited by a public auditor, by a state auditor or an auditor general.

In the case of Australia, and—I am quoting: “Under the Audit Act, the Auditor General is responsible for the audit of the accounts of the Treasury and all departments. His responsibilities for the audit of statutory authorities, Crown-owned companies and other government organizations are assigned under the specific provisions of enabling legislation by appointment under ordinance, by appointment under the relevant Companies Act or by arrangement with the minister or other authorities.”

So it appears that Australia has also closed the net very tightly.

Austria has also closed the bag. “First, the audit function has been extended from a concern for government departments alone to the inclusion of state-owned enterprises and publicly subsidized commercial operations.” It includes, there, anyone who receives a government grant.

In the case of Israel—and that certainly isn’t a very old nation compared with ours: “The state controller is required by law to inspect the finances and the management of the finances and the property administration of the bodies subject to his inspection; that is, the ministries, the defence establishment, state enterprises and institutions, local authorities, corporations in whose management the government or other inspected bodies have a share, and other bodies placed under his inspection.” So in Israel the jurisdiction of this man is quite wide.

South Africa also has the same provision; and the Federal Republic of Germany as well. So there is a wide consensus right around the world that this is a good concept; I’m surprised there is any resistance whatsoever to this whole idea.

Mr. Chairman: Mr. Minister; no comment?

All those in favour of Mr. Germa’s amendment will please say “aye.”

Those opposed will please say “nay.”

In my opinion the nays have it.

I declare the motion defeated.

Section 9 agreed to.

Hon. Mr. McKeough: Mr. Chairman, I have amendments on sections 10 and 11. I’ll read them. They have the effect in both cases of adding the words “in every Crown-controlled corporation.” Do you want me to read them or can I dispense?

Mr. Chairman: They should be read.

On section 10:

Mr. Chairman: Hon. Mr. McKeough moves that the bill be amended by deleting section 10 and substituting the following: “Every ministry of the public service, every agency of the Crown and every Crown-controlled corporation shall furnish the Auditor with such information regarding its powers, duties, activities, organizations, financial transactions and methods of business as the Auditor from time to time requires. The Auditor shall be given access to all books, accounts, financial records, reports, files and all other papers, things or property belonging to or used by the ministry, agency of the Crown, or Crown-controlled corporation necessary to the performance of the duties of the Auditor under this Act.”

Mr. Reid: I have one comment, Mr. Chairman. I’d just like to make it clear that these amendments in regard to every agency of the Crown and every Crown-controlled corporation—we had some discussion about this in committee and as far as I am aware, these matters also refer to section 9 and are covered by subsection 3 of section 9. So the bill is standard throughout and these matters refer to every agency of the Crown and every Crown-controlled corporation.

Motion agreed to.

Section 10, as amended, agreed to.

On section 11:

Mr. Chairman: Hon. Mr. McKeough moves the bill be amended by deleting section 11 and substituting the following: “For the purpose of the exercise of his powers or the performance of his duties under this act, the Auditor may station one or more members of the office of the Auditor in any ministry of the public service, in any agency of the Crown, and in any Crown-controlled corporation, and the ministry, agency or corporation shall provide such accommodation as required for such purposes.”

Motion agreed to.

Section 11, as amended, agreed to.

Mr. Chairman: Are there any further comments or questions on any other sections of the bill?

Sections 12 to 32, inclusive, agreed to.

Bill 43, as amended, reported.

Hon. Mr. McKeough: May I thank the members of the public accounts committee. We really did have very good sessions on this bill. Everything that was said this afternoon was said in committee. It is always nice to hear sterling words again; but in any case it was well said in the committee too. We had

the co-operation of the Auditor and of the Institute of Chartered Accountants. It was a good discussion. I think we passed a good bill.

On motion by Hon. Mr. McKeough, the committee of the whole reported one bill with amendments.

OXFORD MUNICIPAL HYDRO-ELECTRIC SERVICE ACT

Hon. J. A. Taylor moved second reading of Bill 111, An Act to provide for Municipal Hydro-Electric Service in the County of Oxford.

Hon. J. A. Taylor: Mr. Speaker, this bill is the third in a series of statutes which will improve the efficiency and effectiveness of the distribution sector of the electrical supply system in Ontario. It follows the recommendations of the government committee on restructuring of public utilities, as amended by my statement of July 8, 1977.

The bill establishes a new municipal electric power supply commission for each of eight area municipalities in the county of Oxford. Thirteen existing commissions are dissolved. Because of the low population density and growth rate in Oxford, customers within the five townships presently served by Ontario Hydro will continue to be served by Ontario Hydro. This interim arrangement will be reviewed every five years by a committee

appointed by the area municipalities as recommended by the local study team.

In other respects, this bill is similar to two bills passed by this House on July 12, 1977; namely, the Waterloo Electrical Service Area Act, 1977 and the Peel Municipal Hydro-Electric Service Act, 1977.

Mr. Nixon: Mr. Speaker, we have no objection to this bill, other than a feeling that I have that the same results might have been achieved without establishing PUCs in each of the lower-tier municipalities in the restructured county.

I feel that we might well have enabled the residents of the urbanized area around Tillsonburg, and perhaps certain other communities, to have been served at the lower rate without establishing the PUCs. But I suppose, as the minister has pointed out privately, this does give a certain flexibility that will meet the needs of the community in the future.

I have canvassed the area, or at least spoken to the officials in the area which I have the honour to represent, and they have expressed no objection.

Mr. Swart: Mr. Speaker, I will take about 10 minutes. Do you wish me to start now or do you wish me to move the adjournment?

Mr. Reid: Don't ruin our supper.

Mr. Swart moved the adjournment of the debate.

The House recessed at 6 p.m.

APPENDIX

(See page 2667)

The answer to a written question was tabled as follows:

47. **Mr. Ziembra**—Inquiry of the ministry: Will the Minister of Energy table the country of origin of materials and components used in the construction of the Pickering, Nanticoke and Douglas Point Hydro plants indicating the percentage of Canadian content? [Tabled November 21st, 1977.]

Answer by the Minister of Energy (Mr. J. A. Taylor):

This is a rather complex question, covering a time frame that extends back to the late 1950s, involving many thousands of transactions; and some of the data is no longer available. The following points are of significance in answering this inquiry.

1. Hydro's computer systems for recovering data of this kind are not designed in all instances to correlate, by material classification, the country of origin with the end-user location.

2. Hydro's statistics are based on the following definition of Canadian content: "Domestic content is defined as the difference between the dutiable value and the laid-down cost to Ontario Hydro of imported goods or components. Thus all values added in Canada, including labour, materials, domestic transportation, duty, taxes and profit of a Canada supplier, fall into Canadian content."

3. The statistics fed into the computer are dollar values, by country of origin. They do not identify the component by material classification.

For example, if Hydro bought a turbine-generator with 40 per cent Canadian content, 40 per cent UK content, and 20 per cent Japanese, the computer could not identify that the Japanese content represented rotor forgings. Thus, we cannot retrieve from the computer a breakdown by material classification.

4. Since a considerable amount of the equipment and material used at these locations was bought on a bulk basis for the Ontario Hydro system as a whole, it is impossible to correlate the country of origin with the end-user location.

5. Data relating to Pickering 'A' and Douglas Point GS is no longer on file as the retention date for this data has expired.

6. Data for Heavy Water Plant 'A' is not available because the plant was not constructed by Ontario Hydro, it was purchased from AECL.

7. Based on analyses conducted in the past, we do know that the bulk of offshore content is for goods of a class or kind not available in Canada at the time the purchase was made. Only a minor portion represents goods bought offshore because of price.

Finally, if the inquiry intended that a breakdown by material and equipment classification be provided, it would be necessary to retrieve all original documentation still available and manually do an analysis. The immensity of this task can be visualized by the fact the question covers some 100,000 transactions over a span of 15 to 20 years.

	Pickering GS		Nanticoke Douglas Point		Bruce GS		Bruce Heavy Water Plants		
	'A'	'B'	GS	GS	'A'	'B'	'A'	'B'	'D'
		%	%	%	%	%	%	%	%
Canada		68.57	80.59		71.76	71.53		74.75	83.75
U.S.A.		6.9	5.71		9.99	26.38		10.48	7.03
U.K.		18.12	12.56		14.30	.98		.71	.25
Japan		.28	.21		.28	.56		3.08	4.28
Italy		.05	.25		.18	.05		4.66	2.73
France		.04	.01		—	—		4.01	.19
Switzerland		1.28	.03		.58	.39		.47	.36
Sweden		.74	.08		.26	.11		1.31	1.09
Germany		2.85	.51		1.07	—		.34	.16
Other		1.17	.05		1.58	—		.19	.16

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Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 6, 1977

The House resumed at 8 p.m.

OXFORD MUNICIPAL HYDRO-ELECTRIC SERVICE ACT (concluded)

Mr. Speaker: When we rose at 6 o'clock the hon. member for Welland-Thorold was about to speak.

Mr. Nixon: For 10 minutes only.

Mr. Samis: Or so.

Mr. Swart: Mr. Speaker, we too, in this party will support this bill and probably do it within 10 minutes. But there are certain principles involved in this bill that should be referred to in the discussion here this evening, and I want to mention two or three of those.

The first principle is that this bill represents absolute and total withdrawal from the Hogg report. I think perhaps the minister would agree with me on that.

Back in 1972 Task Force Hydro brought in a recommendation that a hydro commission should be established at the regional level. The Hogg committee in 1974 in fact upheld that recommendation of the task force.

In 1975 the then Minister of Energy recommended a change in that major recommendation which he stated in his report on the Hogg report, after some consultation with various groups, and I read exactly: "The Hogg committee report notwithstanding, the minister may, after consultation with local authorities, direct that restructuring proceed on an area or a lower tier basis." But it was very clear in the recommendation of the minister at that time it would either be one commission on a regional basis or one commission on the basis of municipal boundaries.

Then of course this year—I believe it was on July 8, 1977—the present minister drew back from that and in his report to this House stated: "Where it is decided locally, as part of a regional overview, that a municipality cannot yet support a viable utility to serve all of its residents, then Ontario Hydro's rural retail system may continue to serve those parts of that municipality which it now serves."

The bill we have before us, Bill 111, for the restructured county of Oxford, certainly confirms that. The report of the local study group, of course, goes even further. It recommends that the local utility be permitted to expand as growth takes place around the individual communities.

I just want to say there may be some merit in the decision we have come to at this time. But it represents on the part of the government a pattern of backing off from programs which they initiate and commitments which they make. They are doing that now, we see, in the Robarts commission in the Toronto area. We all know how they backed off their refusal. In fact, they called an election last spring on the matter of a six per cent limit on rental increase and they backed off from that this year.

They've backed off on the municipal election date three or four times now under pressure from the municipalities after saying it couldn't be changed. Over and over again, they said it couldn't be changed, now they've moved it up at least to the second Monday of November and I suspect that this pattern will be followed on the matter of reassessment.

As I say, it may not be too serious to have come to this conclusion but I wonder why we went through all of those procedures first. I think it's perfectly obvious that their policies haven't been thought through properly when they were introduced. Moreover it has cost the taxpayers of this province a tremendous amount of money, this sort of not even experimentation, this idea of having exhaustive studies, and then ending up with things just the same as they were.

I will quote from the letter from one Taylor to another Taylor, the chairman of Hydro to the Minister of Energy (Mr. J. A. Taylor), back on June 20, 1977. It says: "However, in our view, the original objectives of improved cost effectiveness and fairness in the distribution of electricity across the province continue to be most important. Unless we can continue to work within a common set of guidelines and procedures, effective progress is unlikely and continuation of substantial expenditures on this function will not be warranted"—and then it states—"in excess of \$1 million per year."

I suggest that's a pretty high price to pay in making a complete cycle, where you come back to the place that you started from in the policies.

The second point I want to make very briefly is that there was again a lack of consultation with the municipal associations in bringing in this bill. When the bill was tabled, the minister made these comments, and I quote from Hansard of November 25: "This legislation has been reviewed by the provincial steering committee, Ontario Hydro, TEIGA and the Ministry of Energy in consultation with the local study team, the Ontario Municipal Electrical Association, and the provincial-municipal liaison committee. The provisions of the bill have been in general agreed upon by these groups."

I want to state that as far as the PMLC and the MLC go there was no consultation and this wasn't agreed upon by them. I suspect that the minister himself may not know this, but if he checks it out he will find that what I am saying is correct. There was 48 hours' notice given to the MLC and the PMLC and AMO that the draft of this Bill 111 was going to be considered.

Mr. Nixon: The people in Oxford were the ones concerned, weren't they?

Mr. Swart: They may have been the primary ones concerned, but the municipal associations have policies too—general overall policies which they feel are for the benefit of local government. There have been promises made over and over again that they will be consulted on these matters, and they would like to be consulted and rightly so.

They were given 48 hours' notice. They were not able to get a single elected person from either of the associations to meet for the discussion of this bill. Forty-eight hours later there was one staff person there as an observer. So I suggest that to say the provisions have in general been agreed upon by these groups is not fully accurate. They question certain things with regard to this bill and I think, perhaps rightly so.

One thing they question as a matter of principle is the continuation of the special purpose bodies. It is made clear in sections 2, 12 and 13 of this bill that there is going to be a continuation of the hydro commission apparently for an indefinite period. Even though all the studies that have been made recently by Robarts, Archer, and by Mayo in the Toronto, Niagara, Ottawa-Carleton areas, have recommended that special purpose bodies be gradually phased out, this seems to perpetuate it in fact in a firmer

form—I think the minister would agree—than the two bills we dealt with in July.

As I see it—and I hope the minister will comment on this when he rises—although it provides the council may by July 1978 determine if they want to pass a bylaw to have the members of this committee appointed, apparently there is no reconsideration of that at any future time. In the Waterloo bill and in the Peel bill the option was left with the municipalities.

None of us objects to people in public office being elected, but the issue here is that if the minister had appointed committees and the provision was removed that they could not be a majority of the members of council, then in fact he could have a committee of council. There might be some very real merit in going this route. I would ask the minister if it really is the intention that once they have made this decision prior to 1978 it cannot be reconsidered in the future. My reading of the bill would indicate just that.

Those are the matters of concern that the municipal associations have with this bill. They are matters of concern that I also have. So what we really have before us, although we're going to support it, is a bill which is a total retreat from the position taken by the government of this province in 1972, 1973 and 1974 with regard to the restructuring of Hydro. Again I say, it's a retreat which in many respects may be desirable, but it's a costly retreat nonetheless and a bill which does not have the full support of the municipal associations.

In the latter matter I say very sincerely to the minister that probably could have been achieved if he had taken a bit more time and had fuller consultation with the municipal associations. I think their objections are legitimate.

Hon. Mr. Parrott: Mr. Speaker, as you can well imagine, I support this bill. It comes as a real surprise, I'm sure, for the member for Brant-Oxford-Norfolk, but in his comments he suggested that no adverse comments had come to his attention from the portion of the county he represents. I can say the same for the portion of Oxford that I represent. Certainly, my portion is by far the larger.

I think the reason is that the local study team took a very thorough, comprehensive and perhaps I might even say rather a long look at the proposals that were put forward by the various people concerned.

Mr. Martel: That was a pretty weak representation.

Hon. Mr. Parrott: I'm certainly not going to try to pre-empt the Minister of Energy's comments on this particular bill and I won't add to the debate to any degree, but I think I would be wrong if I did not show some appreciation to the staff of the Ministry of Energy and to the legal counsel from the AC's office for the attitude they took with the local people in coming to the positions they did. As a matter of fact, I took it upon myself to write to the legal counsel and suggest to her I thought she had used the most common sense of any civil servant I had seen in action in dealing with the local people and sometimes a member for Oxford. I want to put on the record, Mr. Speaker, that she did a particularly fine job.

[8:15]

I am a little concerned that the member for Welland-Thorold should talk about lack of consultation. It seems to me the most important area of consultation should be and should have been in the county of Oxford—and that's where it occurred. I am not for a moment suggesting the member doesn't have the right to act as the critic but surely, as the critic of this ministry, he would accept that the place where consultation should have been at its best was in the local area and that's precisely what happened.

Mr. Swart: What's wrong with both places?

Hon. Mr. Parrott: I think that consultation has resulted in, yes, some deviations from the original intent of the Hogg report but so be it and so much the better for it. Surely to goodness we have come to a place in this province where we no longer think that justice must be dispensed in one hard and fast rule for all. It sounds like a great idea but if we are going to have real justice, I think the member is going to have to have some flexibility. This bill, I think, has treated Oxford in a rather unique way and in a way it deserves. Oxford has a unique form of government in this province and therefore I think it's important that the bill does treat Oxford in that unique way.

Now I know the member for Brant-Oxford-Norfolk and I could discuss that at—

Mr. Nixon: I didn't want you to mislead the House in any way.

Hon. Mr. Parrott:—some length. We have before and I won't go back over that ground. May I conclude these very brief remarks by saying to you, Mr. Speaker, and through you to the minister, that I feel that neither he nor the government have backed off one little bit on this bill. Instead, I would propose to you, sir, that what we have seen is a lot of

common sense used to good advantage so that we have, yes, a different approach for Oxford county, a different approach I hope, that might be used in other areas.

I see nothing wrong with setting some rules for Oxford that will not be considered a precedent but are indeed fitting to the unique situation of Oxford. Then when we go to another area of this province we will change those rules and we won't be in a position where it is said we have backed off, not at all. We have simply taken a very positive approach that fits the county, that does dispense justice, that is logical and I think that's the most important thing when legislation of this sort is presented to this House.

I want to say in conclusion that I feel the minister has put forward a bill that reflects the interests, the desires and that does have the support of the citizens of Oxford county.

Mr. Speaker: Does any other member wish to speak? If not, the hon. minister.

Hon. J. A. Taylor: Mr. Speaker, may I say I appreciate very much the comments of the members, especially those of the member for Oxford, the Minister of Colleges and Universities. I think that's a very common sense position to take, a very common sense position.

Mr. Germa: Is he your patsy?

Hon. J. A. Taylor: I think if you really examine the bill, the precedent has been taken in terms of the two previous bills that I introduced a little earlier. I would surmise that the next bill—that may very well be the bill affecting the Welland area that the member for Welland-Thorold is so interested in—may have to exercise some flexibility to accommodate the varying wishes and concerns of the citizens of that region.

Mr. Nixon: Check it out with the municipal association before you talk on that one.

Hon. J. A. Taylor: I appreciate very much that we must establish rules and criteria, and I think it's nice to have a master plan that one could apply universally across the province. I know the member for Welland-Thorold feels that imposition should be a single utility at the upper or regional tier in the regions.

Mr. Swart: No, no, no. The minister never heard me say that.

Hon. J. A. Taylor: Well, in the evolution of the minister's remarks he has indicated the slippage, I almost surmised—the deterioration of form from that ultimate regional concept to one of the lower tier and a closeness to the people.

What I have tried to do is to approach this matter in a very straightforward and commonsense way. Surely in a democratic system and in a province as vast as ours we must accommodate regional differences. We must accommodate the varying needs of the communities. That is why—and I don't apologize for this—I have introduced further flexibility into those rules that were enunciated some time ago.

If one looks at the history of restructuring in this province, it has really taken years to accomplish anything at all in the way of legislation. I think we have to start to consider the views and to respect the views of the local people. That we have done; and I don't call that backing off. I call that—

Mr. Epp: Facing the facts.

Hon. J. A. Taylor: Exactly. I call that facing the facts, as the hon. member for Waterloo North has put it. Facing the people in those local communities and saying, "Here, who knows best? Do we know best in this Legislature for all of the people in Ontario?" I think we have to meet and discourse and communicate with the local citizens. That we have done. I think that is paramount. We have done that also, of course, in connection with the groups the member for Welland-Thorold mentioned earlier. That has been the process of consultation.

I may point out to the member for Welland-Thorold that there is provision in this bill to review the system within Oxford county within five years. That becomes a mandate. At that time, let him take another look. Let him look at the lower tier and the upper tier and analyse in the light of the circumstances at that time. If other changes are necessary to accommodate the people of that beautiful county then I think it would be the obligation of this Legislature to accommodate them.

I am delighted that what we have here is something that satisfies the local people in the county of Oxford.

Motion agreed to.

Third reading also agreed to on motion.

NEGLIGENCE AMENDMENT ACT

Mr. Baetz, on behalf of **Hon. Mr. McMurtry,** moved second reading of Bill 94, An Act to amend the Negligence Act.

Mr. Baetz: I have just a very brief comment. I would like to state that when we go into committee I would like to move a very simple amendment to this bill which is simply intended to bring the effective date of this piece of legislation into step with, or to

synchronize with, Bill 85 of the Highway Traffic Amendment Act.

It's a very minor housekeeping kind of an amendment but I would like to serve notice at this time I will move this amendment when we go into committee.

Mr. Roy: Mr. Speaker, first of all, I want to welcome the member for Ottawa West in one of his first forays into the realm of the legal niceties of the Negligence Act. He is moving an amendment which has struck even the lawyers as being somewhat weird in the application of negligence law in this province.

By and large the question of liability of the actions of one individual towards another individual within our society was based on the premise of negligence. That's a principle from common law which has been enacted into certain statutes that has followed through over the years. But we got ourselves into a very interesting situation in this province pertaining to the question of the liability of a driver vis-à-vis a passenger of a motor vehicle—what we call a gratuitous passenger.

We got stuck with this dictum called gross negligence. It wasn't sufficient to have just ordinary negligence, but it was required that the gratuitous passenger be able to prove what was called gross negligence.

My colleague from Brant-Oxford-Norfolk, historian as he is and knowing the history and politics of this province, will be the one to give the historical perspective.

Mr. Nixon: You'd better do it, Albert.

Mr. Breithaupt: He's anxious to speak on this.

Mr. Roy: He's anxious to speak on this and I've been begged to leave the historical perspective of how we got involved with gross negligence—

Mr. Nixon: Baloney.

Mr. Roy: —so I will leave that to my colleague, who is very capable of doing it. I'm sure he'll do it with his usual colour, vim and vigour—

Mr. Breithaupt: He's going to speak next.

Mr. Roy: —and will put forward to the House the historical perspective of how some former politicians, premiers of this province, got involved in this, so I'll leave it in his very capable hands. I will ask all my colleagues in the House to prevail upon him—I think it's important that we hear this. Will the members, as I will, prevail upon him to give us the historical perspective?

Mr. Nixon: I do feel a speech coming on, but it's got nothing to do with a gratuitous passenger.

Mr. Roy: It's a very interesting story—one that many of us who are short in years—

Mr. Nixon: And everything else.

Mr. Roy: —and lacking the historical and political background of my colleague cannot talk about. But getting away from the historical perspective of this legislation—

Hon. W. Newman: I wish you would.

Mr. Roy: —I just want to say that it became exceedingly difficult for the courts to interpret exactly what the heck was gross negligence. It's tough enough to determine the question of liability based on the simple negligence aspect, Mr. Speaker, but what do you do when you have to add in the word "gross"? There were many cases involving different levels of negligence and more and more judges were intent on interpreting what "gross" meant in their own opinion. It depended on how sad the case was, or how much damage there was, or how serious the injuries were, that gave rise to the different levels of gross negligence—

Mr. Nixon: Gross, grosser and grossest.

Mr. Roy: —to a point where basically it became meaningless. So I really think the general public, and people we are out there to serve, were becoming confused, as were we of the legal profession who serve the public. I want to say to my colleague—

Mr. Nixon: Humbly, humbly.

Mr. Roy: —we realize fully that not only were the judges and the lawyers confused, but certainly the public were confused as to the meaning exactly of gross negligence. So we're very pleased to see this amendment come forward. My colleague the member for Kitchener maybe will speak to this. As you can see, we have a lot of material to talk about.

Hon. B. Stephenson: What is he trying to do, rope all you guys in? Can't you do your own stories?

Mr. Nixon: We are underemployed.

Mr. Roy: No, no, no. But we have our realms of responsibility and expertise—

Mr. Nixon: In an important bill like this, we assign it.

Mr. Roy: We realize that on this side and we limit ourselves to that particular expertise. [8:30]

Hon. B. Stephenson: Oh, I hadn't noticed.

Mr. Martel: The hon. member for Ottawa East wants us to know he's here.

Mr. Foulds: It's the one day a week he's here.

Mr. Roy: I don't have to tell anyone I'm here, I'm always welcome in this place.

Hon. Mr. Grossman: Both days a month.

Mr. Roy: I challenge some of my colleagues who are being cynical about my presence. If their constituents elected them with the enthusiasm of mine they'd be here as well.

Mr. Nixon: And you'd be lucky. You'd be lucky.

Mr. Roy: And you'd be lucky, no less.

Hon. Mr. Grossman: Are your clients enthusiastic?

Hon. B. Stephenson: Where did the hon. member for Ottawa East have dinner?

Mr. Roy: So, Mr. Speaker, we are very pleased to support this legislation.

Mr. Martel: Does the hon. member for Ottawa East know what bill we are talking about?

Hon. B. Stephenson: No.

Mr. Roy: Hopefully it is bringing commonsense back into the interpretation of negligence. It will have more conformity with all negligence. If there is a tort, as we call it, some liability from one individual to another, it should be based only on negligence, no matter whether he is a gratuitous passenger, or whether he happens to be a pedestrian, or whether he happens to be another individual in another motor vehicle or whatever.

Having said this we are pleased to support the legislation. My colleague from Brant-Oxford-Norfolk will talk about the historical perspective and then my colleague for Kitchener will be talking about his contribution on the committee to bring forward this recommendation to do away with the word "gross."

Hon. Mr. Grossman: Are you going to refer to my contribution too?

Mr. Roy: I am pleased to say, Mr. Speaker, that it's funny to notice about the Premier (Mr. Davis), who is such a good politician, every time I use the word "gross" his ears twitch. He knows what I am talking about, of course, having done some negligence law, I am sure.

Mr. Nixon: Why should the Premier's ears twitch when you say "gross"?

Mr. Roy: I don't know. We are not talking about any scandals. We are not talking about the actions of the government on the other side.

Hon. Mr. Grossman: It's not worth it, I'm warning you.

Mr. Roy: We are talking about the standard of care required or the standard of negligence required by gratuitous passengers before they collected from the driver. But I say again, I am sure the Premier looks forward to having the historical perspective of this from my colleague from Brant-Oxford-Norfolk.

Mr. Speaker: Does any other member wish to speak to this bill? The hon. member for Port Arthur.

Mr. Foulds: Thank you, Mr. Speaker, I would just like to mention that during the last few minutes we have been subjected to a gratuitous speech about gratuitous passengers. We rise to support the bill. My learned colleague from Lakeshore (Mr. Lawlor) tells me it is a good bill. I accept his word on that. It's something this government should have done years ago. Why didn't it? Now that it is finally doing it, we support it wholeheartedly.

Hon. Mr. Davis: Listen, the member is doing so well; he has said all that needs to be said in about one-tenth the time the hon. member for Ottawa East would need to say it.

Mr. Foulds: That's right. I am only going to take another 30 seconds to put the one caveat we have.

I can understand why the Attorney General (Mr. McMurtry) is not here to pilot this bill through the House, because it eradicates the concept of gross negligence. He was so insistent the word "gross" be included in Bill 59, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and Other Family Relationships. I am sure the inconsistency must have struck him and he would find it too much to be here in the House tonight piloting this very good bill through the House.

Hon. Mr. Grossman: Not gross negligence. Gross negligence has nothing to do with family law.

Mr. Foulds: But he used gross misconduct.

Mr. Nixon: I wanted to make a few brief but well chosen and much heralded remarks about the bill.

Hon. Mr. Davis: Harold who?

Mr. Nixon: Well, Harold didn't actually construct these for me.

Hon. Mr. Davis: I expect to hear trumpets.

Mr. Nixon: I know the Premier would be interested in knowing that one of his predecessors, the 11th Premier, used to drive his own car. He used to drive all the way to

St. Thomas after a gruelling week in the country's and the people's service. Actually, all of the big green Chryslers the Conservatives had before 1934 had been auctioned off, you may recall, Mr. Speaker. Those were the days when you were a young Liberal, as I recall. The Premier was driving his own car. I think it was a Hudson.

Mr. Foulds: On a point of personal privilege, on your behalf, Mr. Speaker. I mean, you can't defend yourself.

Mr. Nixon: He doesn't deny it though. He wouldn't dare.

Mr. Foulds: But, of course on the Speaker's behalf—

Mr. Breithaupt: You mean to say the Speaker was ever that young?

Mr. Foulds: —he has been called many things but never so low a thing as a young Liberal.

Hon. Mr. Grossman: Margaret was a young Tory.

Mr. Nixon: I cannot vouch for the youngness but I will tell you that Premier Hepburn happened to be driving over the King's Highway and picked up a gratuitous passenger, sometimes known as a hitchhiker.

Hon. Mr. Davis: You are sure this is what happened?

Mr. Nixon: I don't know what happened to the Premier, because I understand that he got into a small altercation with either a snowdrift or a fence post or another automobile—that is not recorded.

Mr. Martel: It jumped in front of him, Bob.

Mr. Nixon: But there was some small degree of either injury or disturbance to the gratuitous passenger. I understand the passenger was a member of His Majesty's Service in those days—which was even more serious. Anyway when he realized who the driver of the car was he realized that perhaps his ship had come in after all, even though he was in the Air Force, and undertook to enter into a suit against the Premier of Ontario for negligence. Not gross or minor but just plain negligence.

The Premier was so outraged that he came back to the House and passed legislation that said that a gratuitous passenger could not enter into an action of any kind. He made it retroactive enough so that particular accident was covered—

Hon. Mr. Grossman: Typical.

Mr. Nixon: As my colleague from Windsor says, "Those were the days when the Premier had guts."

Hon. Mr. Davis: Oh, very good. He did that with succession duties, too, the retro-active part.

Hon. B. Stephenson: Not guts—gall.

Mr. Breithaupt: I must say, Mr. Speaker, that those were the days, as well, of a majority government.

It would appear from the comments made by my colleague from Brant-Oxford-Norfolk that this was indeed the history which brought this legislation before the House initially and which developed the whole matter of gross negligence. We now have the happy opportunity of returning the common law to a somewhat happier balance.

Mr. Nixon: They have had 35 years to fix it.

Mr. Breithaupt: It has taken some time, of course. It may have been that this particular item of legislation—

Mr. Nixon: The government's first attempt was a fiasco.

Mr. Breithaupt: —was not necessarily the greatest priority which Mr. Drew faced when he became Premier of the province. It may have not been important to Mr. Kennedy, or at that point to Mr. Frost or to Mr. Robarts. But we have the opportunity now—

Hon. Mr. Davis: I can assure you it wasn't mine.

Mr. Breithaupt: —in what is called the "fullness of time"—

Hon. Mr. Davis: It only took six and a half years.

Mr. Breithaupt: —to have this priority brought before us—

Mr. Foulds: It is the seven-year itch, Bill, that's all.

Mr. Breithaupt: —in the name of the Attorney General, but presumably because of the pressures upon the common wealth of the province that the Premier of the day no doubt feels.

This is a positive and useful reform which is long overdue. The matter of gross negligence has been most difficult to prove by any court. The end result has been that the standards for the passenger who happens to be a hitchhiker or someone just riding in the car have been entirely different from those of the person who has paid a fare, as in a taxi or in a bus. This guest passenger provision has been something which within Ontario has been a curious tradition in our law for these last 30 years or so.

Mr. Foulds: Curious, like Mitch Hepburn himself.

Mr. Breithaupt: At common law a driver

was liable to his passenger for his ordinary negligence. This had been the standard of care within the province of Ontario until that time in 1935 when, as the member for Brant-Oxford-Norfolk has suggested, the common law was altered. That altering as it took place meant that the gratuitous passenger was barred from bringing any action in negligence unless there was this peculiar concept of gross negligence.

Mr. Roy: You are talking about a Premier of the province.

Mr. Breithaupt: The courts have had difficulty with this—

Hon. Mr. Davis: Don't pick up any hitch-hikers.

Mr. Breithaupt: —but the Negligence Act was amended accordingly. As a result we have the legislation which has been part of the law of Ontario for these last 30 years or so.

Mr. Roy: I am always careful.

Mr. Breithaupt: Other jurisdictions have dealt with the problems in different ways. Quebec never had a provision like this. British Columbia had it for some years but repealed it in 1969. In the United States we are informed that one half of the states or thereabouts have this provision. But in both England and in Australia, following the tradition of the common law, the matter of simple negligence was used and continued to be used—

Mr. Foulds: First we got the historical perspective; now we're getting the geographical perspective.

Mr. Breithaupt: —as the standard for liability which a driver would have to a passenger whether gratuitous or not.

Mr. Martel: A filibuster of sorts.

Mr. Roy: No, you guys listen. We are giving you the whole background.

Mr. Foulds: Why are you filibustering this bill?

Mr. Breithaupt: As my colleague from Ottawa East has mentioned the involvement of the select committee on company law in its first report referred to this particular matter and dealt with the whole subject of the gratuitous passenger. The arguments which had been advanced as to why this should continue were based on the historic framework within the province. The point was that if the person hadn't paid a fare to ride in the car, then of course he took the driver, the driver's condition, the matter of negligence just the way he happened to find that situation. The loss had to be accepted,

whether it was entered into voluntarily or not.

As a result, these arguments were rejected by the select committee on company law. The result was that since the insurance industry had developed a good amount of expertise in this particular subject and since this seemed to be in the best interests of the travelling public in the current situation, the view was that this approach should be changed. So the matter of the gratuitous passenger as a separate kind of negligence was rejected at that time. It was a part of Ontario law which had not had a particularly happy result in the courts, and had a tradition of some difficulty.

There is no reason to suppose that the relationships between owners and drivers of cars and their passengers, whether gratuitous or not, are going to lead to any kind of connivance which is going to allow for the encouragement of automobile accidents or the encouragement of claims by one against the other.

This provision, as I've mentioned, has had a difficult effect in Ontario courts because the whole theme of gross negligence has been very awkward in being proved. The courts have been able to develop a certain standard of common negligence and a standard of care, but this problem of gross negligence has been one which has not had a very happy tradition within the province. There has been difficulty in having a strong line of demarcation between the matter of gross negligence and simple negligence and the judges from time to time have had on occasion to refuse claims which may have been of some validity because of the difficulty in proving this particular point.

As a result, the select committee on company law last year, in its first report dealing with matters of automobile insurance, suggested that the whole situation of gross negligence was something which no longer had a value in up-to-date, current Ontario practice. It was thought that the return to the common law concept which had been continuously used in England and in Australia would be the best way to go and that the whole matter of simple negligence would be much easier to define and much easier to work with.

I must say that there has been not very much public demand for this particular change, but the demand has come from those who have been involved in dealing with the resolution of these problems—from judges or lawyers or from those involved in the insurance industry.

The automobile owners, I'm sure, presume they are covered simply by their normal policies. They don't think very much about whether their standards should be different depending on whether they are driving a member of their family or whether they happen to have picked up a hitchhiker who might or might not have a claim if there was an accident.

This whole situation has led to the need for a change, and as a result, this legislation has come forward. I would hope that other suggestions made by the select committee would be welcomed as openly and as promptly as this one has. However, we have this opportunity to change the Negligence Act and we are certainly pleased to see this legislation now brought forward.

The matter of gross negligence relates, as my colleague from Brant-Oxford-Norfolk has said, to a particular situation in Ontario's history, a situation of many years ago which, in effect, has been an aberration in the development of the common law and of the standards which have been extant throughout our society. I am pleased that this legislation has come forward and that it reflects to a degree the response which I believe was properly taken by the select committee on company law as it made the suggestion after the opportunity of reviewing this subject.

[8:45]

I commend the Attorney General for bringing forward these changes through the efforts of the member for Ottawa West, his parliamentary assistant, and we're certainly pleased to support this bill.

Mrs. Campbell: Mr. Speaker, I too endorse this amendment. I had the privilege of listening to former Chief Justice McRuer as he appeared before the committee, and I worked through him as he discussed the problems of judges dealing with this matter.

I suppose, however, that I should somehow issue a caveat to the Attorney General. I'm sorry he isn't here because I wonder if he is prepared for what may be quite an increase in the cases before the courts, having in mind the family law package that is to be brought into effect in one form or another in the new year, since this, of course, extends the privileges of families, spouses and children, to sue in tortious acts as well as in others.

I felt perhaps it would be wise to at least engage in a discussion as to the implication of this, having in mind that family law package. Other than that I don't think there's anyone in this House who could do anything other than endorse the principle of the amendment.

Mr. Makarchuk: Mr. Speaker, I wasn't intending to participate, but I never thought I'd ever have the opportunity to be involved in a debate to undo what some past Premier of the province of Ontario had done. That is all I have to contribute.

Mr. Baetz: Mr. Speaker, I thank the members of both parties opposite for being so generous in their supportive comments on the wisdom of this proposed legislation which now appears, in the fullness of time, to be well on its way to becoming law.

I guess I should say, Mr. Speaker—and I'm sure the members opposite are aware of this as well—that the guest passenger provision itself was repealed by Bill 85, the Highway Traffic Amendment Act, which was passed last month so in a sense we're speaking on this subject somewhat post facto. Nevertheless, I do appreciate the support. It has made my first task in my capacity as parliamentary assistant to the Attorney General a very easy one and a very pleasant one, and I hope it bodes well for the future.

Mr. Nixon: Your political past can be a bed of roses.

Hon. B. Stephenson: With just a thorn or two thrown in.

Mr. Baetz: Certainly I will take into consideration and will be discussing with the Attorney General, and I'm sure he will want me to, the caveat expressed by the hon. member for St. George about the possible increased case load.

Mr. Conway: I'm sure he's talked about cabinet preferment, too, with his predecessor.

Mr. Baetz: Mr. Speaker, that is all I have to say except, as I indicated at the outset, there is a strictly housekeeping amendment to be introduced at the time when we go into committee which simply synchronizes the effective date of implementation of this particular Act, an Act to amend the Negligence Act, with the implementation of section 16 of Bill 85, the Highway Traffic Amendment Act, 1977.

Motion agreed to.

Ordered for committee of the whole House.

NEGLIGENCE AMENDMENT ACT

House in committee on Bill 94, An Act to amend the Negligence Act.

Mr. Baetz: Mr. Chairman, the amendment, is as I indicated earlier, simply a housekeeping amendment.

Mr. Deputy Chairman: Mr. Baetz moves that section 3 of the bill be struck out and

that the following be substituted therefor:

"3. That this Act comes into force on a day to be named by proclamation of the Lieutenant Governor."

Mr. Baetz: Now section 3 which appeared in an Act to amend the Negligence Act simply said, "This Act comes into force on the day it receives royal assent," so we are simply trying to synchronize the effective date of implementation of both these Acts through this amendment.

There is nothing beyond that. There is certainly nothing clandestine about it at all. It is simply a housekeeping amendment.

Mr. Foulds: A point of order. I thought we had an agreement to distribute the amendments ahead of time.

Mr. Roy: We should have had this last Friday.

Hon. Mr. Welch: That's right.

Mr. Foulds: Could we have copies now, simply for information?

Hon. Mr. Welch: The hon. parliamentary assistant has pointed out this was to synchronize some dates with legislation passed some time ago, so it's a fairly routine matter. But the point raised is a valid one. It should have been provided to you last Friday.

Mr. Roy: I appreciate we are getting that rule into force. I say to the House leader, I notice another amendment here we didn't get last Friday, but—

Hon. Mr. Welch: That's called tit for tat. The amendment that that's making reference to was not filed with the proper notice either, so we are even.

Mr. Martel: Do you have a scoreboard over there, Bob?

Mr. Roy: I want to say, Mr. Chairman, that we will certainly endeavour to go along with that rule, which makes eminent good sense.

I want to say to the member for Ottawa West that I had some concern about this amendment, but following his persuasive argument here about its necessity, he has thoroughly convinced me. I want to congratulate him on what a job he's doing in convincing us to accept this amendment. We will support it.

Mr. Conway: I think he's better than Marion. He has all the niceties down.

Mr. Foulds: Mr. Chairman, I am certainly pleased to rise in support of this amendment and I appreciate getting the tat for whatever it was that was offered in the first place. Thank you very much.

Mr. Roy: He got the tat for Makarchuk's tit.

Motion agreed to.

Bill 94, as amended, reported.

Hon. Mr. Welch: Mr. Chairman, we are now going to do Bill 88, following which we will do Bill 98. I take it we could agree that if there are any votes in committee we might stack those votes until 10:15 p.m.

CORPORATIONS TAX AMENDMENT ACT

Resumption of the adjourned debate in committee of the whole House on Bill 88, An Act to amend the Corporations Tax Act, 1972.

On section 8:

Mr. Deputy Chairman: When we adjourned this debate we had in front of us an amendment by Mr. Makarchuk that subsection 7 of section 8 be deleted.

Mr. Conway: Do you remember that, Bob?

Hon. Mrs. Scrivener: I have very carefully considered the amendment proposed by the hon. member for Brantford. While I understand the reasons for putting forth the amendment, its adoption as proposed would create a number of anomalies in the application of the legislation because of the manner and timing of the implementation of corresponding legislation at the federal level. I therefore propose to put forward an amendment in slightly different form in order to overcome these obstacles. This amendment will achieve exactly the same objectives as the original amendment proposed by the member for Brantford, therefore I would ask the member to withdraw his amendment.

Section 19(1) of the Income Tax Act (Canada), which is the section which embodies the disallowance of advertising expenses on foreign radio and television stations, came into force on September 22, 1976. However, it includes some rather complex transitional provisions. Where a corporation has entered into an agreement before January 23, 1975, the expenses of advertising are allowed. Where a corporation entered into an agreement between that date and September 22, 1976, the expenses are also allowed provided the contract does not extend beyond one year.

A proposed amendment to section 19(1) of the Income Tax Act (Canada) is contained in Bill C-11 which is presently before the House of Commons in Ottawa. This will have the effect of disallowing all advertising expense on foreign radio and television stations covered by this section after Sep-

tember 22, 1977, irrespective of whether they are incurred under a contract of earlier date.

The commencement and application provisions of Bill 88 are contained in section 27. The effect of this section, coupled with the amendment as proposed by the hon. member, is that section 19(1) of the Income Tax Act (Canada) would be made effective for the taxation years of corporations which end after the bill receives royal assent. Corporations would therefore be faced with a commencement date for this proposed change which is different from the date set out in the federal legislation. This, of course, is contrary to our aim of simplifying the legislation and I doubt if it is what the hon. member actually intended.

My proposed amendment will make a change to subsection 6 of section 27 of the bill, to make section 19(1) of the Income Tax Act (Canada) become effective for Ontario purposes with the same commencement and application dates as it would at the federal level when Bill C-11 becomes law. This will make the provision retroactive to September 22, 1976, for corporations which are not covered by a contract entered into before that date.

(Therefore, Mr. Chairman, I wish to move the following amendment, if the member for Brantford will withdraw his amendment.

Mr. Foulds: As long as it is known as the Makarchuk Amendment we will accept that.

Mr. Deputy Chairman: Will your amendment, Madam Minister, be to subsection 7?

Hon. Mrs. Scrivener: Yes.

Mr. Makarchuk: Mr. Chairman, anomalies are excellent things in ore bodies and in prospectors' prospectuses but in taxation and legislation I think anomalies certainly should be removed. Now that the minister has brought in a precisely-worded amendment which embodies the principle that we advocated in the bill, I am happy to withdraw my previous amendment to this Act.

Mr. Deputy Chairman: Hon. Mrs. Scrivener moves that section 14(7) of the Act as set out in section 8 of the bill be struck out and that subsections 8 to 12 of the said section 14 be renumbered as subsections 7 to 11, respectively; and that the references to the said subsections in subsection 2 of the said section 14, subsection 1 of section 9 of the bill, subsection 4 of section 10 of the bill, section 13 of the bill, and subsections 1, 2 and 3 of section 27 of the bill be amended accordingly.

Hon. Mrs. Scrivener further moves that

section 27(6) of the bill be struck out and the following substituted therefor:

"6. The amendments to the Income Tax Act (Canada) made by,

(a) An Act to amend the Income Tax Act, being chapter 106 of the Statutes of Canada, 1974, 1975, 1976; and

(b) An Act to amend the Income Tax Act, being chapter 4 of the Statutes of Canada, 1976-77,

to sections of that Act which are by this Act made applicable for the purposes of the Corporations Tax Act, 1972, shall be deemed to have come into force for the purposes of the Corporations Tax Act, 1972, at the same time and to apply in the same manner as those amendments were brought into force and made applicable by the said Act to amend the Income Tax Act (Canada).

[9:00]

Mr. Conway: Couldn't be simpler.

Mr. Roy: Mr. Chairman, fortunately this is one of the amendments where we didn't need the seven-day notice or whatever; it's so clear. Of course, to those of us on this side of the House who grasp these things in relation to taxation, it became obvious that this was the amendment necessary; and I want to apologize to the minister and certainly to my colleague from Brantford—is it Brantford?

Mr. Makarchuk: Yes.

Mr. Breithaupt: The famous Liberal riding.

Mr. Conway: The name is Beckett.

Mr. Roy: Why didn't we think of having an amendment as simple as this one?

Mr. Makarchuk: You fellows don't look after the indigenous capitalists; that's all.

Mr. Roy: In any event, the amendment proposed the other evening and this amendment proposed by the minister are typical examples of democracy at its best and the role to be played by a responsible and informed opposition. We, of course, were very supportive of the principle of the bill, but I suspect that in putting forth this legislation there was some attempt by the minister to slide through this little subsection 7 of section 14 in the hope we wouldn't notice it. My colleague from Brantford noticed it and the amendment, in our opinion, was a valid amendment.

As I said to my colleagues to my left, any time they propose a reasonable amendment—

Mr. Breithaupt: Which isn't very often.

Mr. Roy: —we on this side will support it, just as we'll support a reasonable amendment from that side. So it's an interesting experience in democracy—

Mr. Martel: The member for Carleton (Mr. Handleman) didn't think so.

Mr. Roy: We had the government House leader scrambling for a while the other evening. He showed himself again at his best by making all sorts of motions and moving for adjournment and things of this nature.

Mr. Makarchuk: He's great for that. He used to be a signalman in the navy.

Mr. Conway: A two-handed Napoleon.

Mr. Roy: The thing that is interesting is that as a result of this small escapade we had the other evening, the government merited an editorial in the *Kitchener-Waterloo Record*. The editorial is headed, "The Tories Scare Easily." Interesting. It says: "An amusing but really not so funny sidelight of the broadcasting control issue has the Ontario government backing away from an attempt to counteract federal legislation intended to protect Canadian broadcasting interests." And then it goes on.

My point is simply that we on this side felt it was the intent of the provincial legislation to try to match or jibe as much as possible with the federal legislation, and we saw no valid reason for allowing an exception under the provincial statute that was not allowed under the federal statute.

We asked the minister on that particular evening what the reason was for subsection 7. Some word was said about how it was going to affect the tourist industry or something was said about jobs. Basically, I understand the government's concern. I can see the Treasurer saying, "We don't want to give the impression that we are saying, 'Yankee go home' or something like that." But, really, the damage had been done—if there was any damage to be done—by the federal legislation. It appeared to us a more sensible approach to have both pieces of legislation the same.

On page two of the minister's statement it is stated: "This will have the effect of disallowing all advertising expense on foreign radio and television covered by this section after September 22, 1977." Again, I would point out that the federal legislation, as I read it, and possibly I could be corrected, doesn't prevent all advertising on foreign radio or on American radio and television stations. What is intended is that it will stop the advertising that is directed primarily to a market in Canada by a foreign broadcasting undertaking.

In this case obviously it affects American stations but American stations aiming primarily for a Canadian market. Let's be clear about that. If some enterpriser wants to ad-

vertise for an American market on an American station there are no problems under this legislation.

We thought that the federal legislation was sensible. We thought the amendment as proposed by the member for Brantford was sensible and, of course, we took what we felt was a responsible approach. I am glad to see, Mr. Chairman, that the minister has accepted the amendment. Of course we understand that there may have been problems in getting the date straightened out, and again we are very supportive of clearing up any anomalies pertaining to the effective date.

So, we are very pleased to say that a responsible opposition looking closely at legislation has made a contribution which we feel is going to be in the best interests of the citizens that we serve.

Mr. Makarchuk: Just briefly I wish to say that in moving this amendment I certainly had it in mind the fact that instead of helping NBC and CBS we would be helping John Bassett and CTV.

Mr. Nixon: That must make you feel better.

Mr. Makarchuk: Yes, of course, that is from the frying plan into the fire I must admit. However, the principle that is inherent in this amendment is the fact that we are trying to establish Canadian identity, we are trying to encourage our broadcasting and our whole media industry and our publishing industry and everything else to grow. That is the small step that this Legislature has taken. Those are the kinds of small steps that should be expanded into larger steps—

Mr. Martel: In the whole economic field.

Mr. Makarchuk: —in the whole economic field, in all of our fields of activity. These are the kinds of legislation we would like to see. I would like to point out to the minister that she is in control of a department where a lot of this legislation could encourage Canadian growth, Canadian development and Canadian industry through tax measures, but that isn't being done. This is a minuscule effort in what is a very large field.

Mr. Breithaupt: As my colleague from Ottawa East has mentioned this change is a very welcome one and one which aligns Ontario's legislation with the federal legislation. He referred to an editorial which appeared in my own local newspaper, the Kitchener-Waterloo Record, and which I think brought to the point the idea that this change was something which may not have been foreseen at the time, but which has proven to be something of value as the

legislation becomes similar between the federal and the provincial governments.

Certainly, following the line of that editorial the legislation as we have had it would have allowed Canadian advertisers on US stations to claim these particular costs. This is something which I am glad to see the minister has changed in the interests of the people of Ontario and from a national point of view. Surely the approach which has been taken, not only by the member for Brantford but also by my colleague from Ottawa East, has been a positive one. The detailed amendment which the minister has proposed obviously shows careful thought and a desire to resolve this particular problem, and for that I give her a great amount of credit.

Tax legislation is always a very difficult sort of thing because of the view within our law that it is not illegal to avoid taxes, but it is to evade taxes. The avoidance of taxes because of loopholes or difficulties or inconsistencies in the legislation is something which we as legislators must always be mindful of. The minister has brought forward this amendment to resolve this particular problem.

Mr. Martel: No, the hon. member for Brantford did, come on. I just want to correct you on that.

Mr. Breithaupt: Well, I will.

Mr. Martel: Do it twice.

Mr. Breithaupt: I have already given credit once to the member for Brantford. I shall do so a second time if that is wanted.

Mr. Conway: He looks so unhealthy in the morning. He looks so unloved and unwanted over there.

Mr. Breithaupt: The minister has brought forward a more involved and a more detailed amendment and that certainly is most worthwhile. The approach which has been taken has been to allow the tax legislation to be amended in a way that members on all sides of the House can agree.

We have found this consistency with federal legislation has a certain merit. The people dealing with these particular subjects are at least able to recognize the tax burdens. Now I agree that in view of some of this particular consistency is said to be the "hobgoblin of small minds" but I think in tax legislation to know the results of certain patterns of action is a most important thing. Perhaps that "hobgoblinship" is something we can accept in this particular event.

The policy, of course, is indeed a controversial one because it still involves international interests and relationships between the government of Canada and the government of

the United States. We recognize that many of our citizens on occasion prefer the availability of channels of television from the United States. As a result, this of course becomes a marketing problem and of interest to those in Canada who would advertise in order to benefit from the purchase of various goods and services within in our situation, particularly the province of Ontario.

I commend the minister for this kind of an amendment and I hope the resolution of this problem will assist in allowing persons to have a consistent point of view with respect to such tax matters.

Motion agreed to.

Ms. Bryden: Mr. Chairman, I want to ask a couple of questions on section 31 of the Act, as set out in section 8 of the bill, dealing with the venture investment corporation. I see this is one of the sections that comes into effect on proclamation. Is it the minister's intention not to proclaim this section until such time as the federal government comes in with similar legislation? I know that was one of the reasons why the legislation was not proceeded with when it was first suggested in 1974. The federal government did not seem willing to go along. So I would like to know whether this section will be more or less a "dead letter" until such time as the federal government comes along and puts in a similar 250 per cent allowance.

The other thing is I think in putting in grants of this sort we should realize that tax concessions of this kind are hidden grants. They are not something we vote in the Legislature, grant by grant. We never really see to whom or to what kind of industry they go. I think we should set up some sort of a monitoring and reporting system for large tax concessions of this sort so that people will know what they are subsidizing, because when you make a concession of this sort naturally the other taxpayers have to make up the difference in whatever revenue is needed.

In fact, if we knew to what the money went we could then judge whether whatever it costs us was worth the effort in terms of economic development, or whether the money could have been better spent by direct government investment in either industry of its own or in joint ventures in fields that would perhaps create more employment, more labour-intensive industries and that sort of thing. We would also know exactly what the tax concession costs if we had a system monitoring what kinds of firms got it and how much they got. I realize you want to preserve some confidentiality in your tax

statistics, but I think some general statistics on the working of this section, as to what kind of ventures the money actually went into in the end would be very valuable.

[9:15]

I'd like to suggest that to the minister, and ask her about the federal co-operation.

Hon. Mrs. Scrivener: Mr. Chairman, a number of the references to VICs in this bill will be proclaimed on January 1, when the Venture Investment Corporation Registration Act comes into force. They are tied specifically to that date for their commencement. I thank the member for her remarks, and I will review these for future consideration.

Ms. Bryden: I'm not quite clear from the minister's response whether the actual 250 per cent tax concession will go into effect on January 1, 1978, regardless of whether the federal government parallels it or not.

Hon. Mrs. Scrivener: It will go into force regardless of what the federal government does, because it's a bill which is operative in Ontario in its own right.

Section 8, as amended, agreed to.

Sections 9 to 28, inclusive, agreed to.

Bill 88, as amended, reported.

MUNICIPAL ELECTIONS ACT

(continued)

Resumption of the adjourned debate on Bill 98, An Act to revise The Municipal Elections Act, 1972.

Mr. Deputy Chairman: I would remind the hon. members that at a previous sitting we had an amendment on section 11 which was defeated. We started with section 11. We will now revert to section 1 of the bill, or thereafter. Is there anyone wishing to speak on this bill?

Mr. Ashe: So we're starting on the same track and for the benefit of your calling the various sections, Mr. Chairman, I understand there are no amendments being proposed prior to section 9.

Sections 1 to 8, inclusive, agreed to.

On section 9:

Mr. Deputy Chairman: Mr. Epp moves that section 9(1) of the bill be amended to read as follows: "Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act the term of office of all offices, the election to which is governed by this Act, shall be three years commencing on the first day of December in an election year."

Mr. Haggerty: And it costs you nothing.

Mr. Epp: Mr. Chairman, the reasons this party is recommending this particular amendment are various. It should be pointed out that this is an important amendment. For a number of years now, we've had two-year terms; prior to that we had three-year terms. In looking at the amendment we notice that over a 10-year period we would have three municipal elections rather than five. It is a saving of two elections, if you look at it from the standpoint of money the public would have to spend. When you consider that the money spent on an election is somewhere in the area of 50 cents to \$1 per capita, that's a considerable saving. At this time of restraint, when people are talking about saving money, that's a point that should be considered. It's not a major point, but it is a point nevertheless.

Mr. Conway: Isn't it the same as provincial elections?

Mr. Epp: I think we should look at another point—that the public has a number of elections to contend with. They have provincial elections, and they're coming more frequently than they did a few years ago, for obvious reasons. A federal election is in the offing and we've had a considerable number of those in the last 10 or 15 years—more than in the previous 15 years. The public is cognizant of the cost and I think this Legislature should be cognizant of it.

Another important point is the planning that goes into what councils do across the board. They're much more complex now than they were a few years ago. Much more planning is needed from the beginning of one term to the end of that term. For a council to plan, to debate, to decide and to implement often takes longer than two years. We feel three years is a reasonable term for councils to have. Certainly, we wouldn't go any higher than three years and we think two years is a little short.

For too long, municipalities have been regarded as junior partners with provinces and with the federal government. We feel this would enhance the municipal position and would put them in a more equitable position with the other political jurisdictions.

We note, of course, that Metro had a three-year term from 1966 to 1969 and 1969 to 1972. Both the public and the politicians in Metro were very favourably inclined to that. Ottawa-Carleton had a three-year term for at least one term and maybe two. They favoured that and they wanted to retain that but the provincial government didn't listen very well. It certainly wasn't very cognizant of their complaints, and decided

to make it two years in order to have uniformity across the province. I don't argue with uniformity. We feel that has a lot of merit but we feel that the uniformity should be on the side of a three-year term rather than a two-year term.

When we look at the budgets of the various jurisdictions we find that Metropolitan Toronto has a budget that is only exceeded by the province of Ontario, the province of Quebec, by Canada itself, Alberta and BC. There are no other jurisdictions that have budgets larger than Metro Toronto, yet it is asked to have a two-year term when all the others have a four-year term—and they can go as long as five-year terms.

I want to refer you to the Robarts report. You obviously have heard of this. I want to refer you to page 67. The Hon. Mr. Robarts recommended a number of things in that report, but one of the important recommendations that was endorsed by a great number of people was a recommendation for a three-year term. Mr. Robarts stated as follows, on page 67 of that report, referring to the general changes in the electoral system—the term of office. He said:

"The passage of the Act has not stilled the debate about the appropriateness of the two-year term. A survey conducted by the Association of Municipalities of Ontario in 1975 showed that while the councils of municipalities with less than 50,000 population indicated general satisfaction with the two-year term, responses from municipalities of that size or larger were evenly split on the question.

"Opinion within Metropolitan Toronto is more clear cut. All of the municipalities within the system who submitted briefs to the commission specifically requested a return to the three-year term and a vast majority of individual councillors expressed the same opinion. Among ratepayer organizations and individuals, a few favoured retention of the two-year term but most of those who commented on this question suggested a return to a longer term."

That's what the Hon. Mr. Robarts said, and I endorse that. I think that's important. If we look at the report of Mr. Mayo who studied the Ottawa-Carleton region, he also recommended a three-year term. I think it's important, too, that the Association of Municipalities of Ontario who have defeated the three-year term on previous occasions, on a motion last August voted in favour of the three-year term. So the pendulum obviously is swinging in that direction. If this Legislature wants to catch up with the wishes of the Ontario people—certainly a majority of

the public in Ontario—then it will endorse the three-year term.

Another aspect that should be considered is that municipal elections will be considered by the public to be more important. I think if there's a great frequency of elections, people tend to pay less attention to them. If, on the other hand, the elections come up every three years, they are going to regard them as more important—as they do provincial and federal elections.

I had the opportunity of surveying a number of the provinces. Most of the provinces, half of them anyway, have three-year terms. Alberta, Nova Scotia, Saskatchewan, Manitoba and New Brunswick all have three-year terms for municipal elections. I spoke to a person very close to the government in Alberta and he indicated that the municipalities in the province which have had two three-year terms—they are in their second three-year term at present—are very favourably inclined to that. Certainly there has been no indication among the public or the elected officials that they want to go back to a two-year term.

The same was true in Nova Scotia. They feel the three-year term is barely adequate. Rather than go to the four-year term, they have stayed with the three-year term. The public there is very satisfied that they are getting the kind of responsible leadership in the municipalities that they should have. There, the three-year term isn't in any way proving to be detrimental to getting the kind of responsiveness and accountability that sometimes is given as a reason for not going to the three-year term.

In Saskatchewan, someone high in the provincial civil service told me it's working very well and also cited the economy of having an election every three years. This person also felt that if you have elections every two years, there is certainly not a satisfactory opportunity, before the next term comes along, to correct the vagaries and ambiguities and so forth that sometimes develop between elections. With a three-year term, you have that time to make the correction in time for the next election. They also felt that planning, which is so important to municipalities these days, should be given a little more importance and a three-year term would help in that regard.

Manitoba also has a three-year term and they were quite pleased with it, as New Brunswick was. New Brunswick had a four-year term at one time back in 1967. They have gone to the three-year term which they say is working very well.

In moving this amendment, I want to

point out to the hon. members of this House that we feel this is an important and a reasonable amendment. We feel it has the support of the people of Ontario and we ask for the support of the members on both sides of the House so that this amendment can pass and go into effect with the election in 1978.

Mr. Swart: Mr. Chairman, the amendment which we have before us quite obviously has its pros and cons regarding the advantage of a two-year versus that of a three-year term. But we, in this party, think there are more cons than pros and therefore we will not be supporting the amendment which has been put forward by the member for Waterloo North.

It concerns me somewhat that it appears the Liberal Party is rather indifferent to the matter of reducing the opportunity for participation and accountability in local government.

[9:30]

Mr. Haggerty: The same thing would apply here.

Mr. Conway: Have you talked this over with Warner?

Mr. Deputy Chairman: Order!

Mr. Swart: This is not the only example we have had or will have with regard to this bill, of the Liberal Party reducing the opportunity to participate, and to vote against the October election day which would have permitted the ease of voting and participation, a system which would have made it much easier to get on the voters' list and to participate in the election. They voted against that. They are obviously going to try to prevent British subjects, regardless of how long they have been here, from voting in the municipal elections.

Mr. Conway: You're sucking and blowing at the same time.

Mr. Swart: Now they are proposing that there be a three-year term. There is no question that the three-year term does reduce accountability. The opportunity of anyone to be elected is cut in half. There can be no question about that. They can run every second year, now they will only be able to run every third year.

Mr. Mancini: Call him to order.

Mr. Swart: The opportunity of the voters, the accountability is cut in half. They have the opportunity now every two years to get rid of people on council they may not like, or the whole council. If this amendment is passed, they will only have the opportunity

every three years. So there is no question about it, the accountability is cut in half.

Mr. Mancini: You should run every six months.

Mr. Swart: I like the comments that were made in this House some three weeks ago on the second reading of this bill, and I would like to read this out of Hansard, where it states, "As a municipal politician, I must say I always thought the three-year term was excellent, because it meant I didn't have to go through an election in that one extra year."

"Viewing it objectively as a member of the Legislature, however, I can recognize the benefit of having two years in that the municipal level of politics, even in some of the larger municipalities, is different from the federal House and the provincial Legislature. Many of the decisions made are instant decisions and many of the changes made are somewhat radical changes at the local level, even taking into consideration the fact that the province has such great powers. They are the kind of changes that require the ratification or opinion of the electorate in terms of an election, and therefore I would be rather reluctant to see us move to the three-year term."

"I would find it rather distasteful if we are going to have an election Act, to have across the province the option of having a three-year or a two-year term. I would suggest in many municipalities it will be three years because of the self-interest of those of us who have served at that particular level. I know we always say it is for planning and financial purposes, but I am afraid that when it really comes down to it it's the fact that people don't want to face the electorate quote so often in municipal office."

I hope the people on my right will realize that that speech was made in this House on November 15 by their own member for St. Catharines, before they had decided that there might be some good politics in going to this amendment for the three-year term.

Mr. Bradley: Why don't you read your own speeches? Replying to the member for Windsor-Sandwich (Mr. Bounsall), I take the opposite view to the one you are taking tonight.

Mr. Swart: Local government is closer to the people, it ought to be closer to the people, and you will keep it that way more with a two-year term than you will with a three-year term. I assure you that if you move it further away with regional government—and if there is any one group that has criticized regional government because it is too far from

the people it is that group to the right. Now you want to give them a three-year term so they are only accountable two-thirds as often as they are at the present.

Mr. Conway: We will give you back to the Peninsula without any further consideration.

Mr. Deputy Chairman: Order!

Mr. Swart: I suspect their change of heart is because their research department found a resolution that had been passed by EMO which the member for Waterloo North has said stated that they favoured the three-year term. I was there when this matter was debated and when the vote was taken. I would suggest to them that they not get too excited about it, because the vote was almost even. I think there was a difference of something like 20 between those voting for and those voting against it.

Mr. Epp: That's all one went by.

Mr. Swart: But I must say this with regard to their consideration—and if they're there, or even if they're not, they should know this—that the Liberals don't really know the rural area of this province—

Mr. Breithaupt: You've got a lot of rural members to prove that!

Mr. Swart: If they did, they would know that—

Mr. Breithaupt: How many rural members do you have?

Mr. Swart: They know this to be true.

Mr. Conway: How many rural members are on your side?

Mr. Deputy Chairman: Order. Order.

Mr. Swart: If they did, they would know very well that the rural municipalities in this province don't want a three-year term. They want to shove it down their throats against their will, to have a three-year term out in the rural area—

Mr. Bradley: Where's the member for Windsor-Sandwich when we need him?

Mr. Conway: Where's Doug Moffat?

Mr. Deputy Chairman: Order.

Mr. Swart: A number of years ago they used to point at this caucus when there was only a handful. But that has been changed too. And that trend will keep on in the years ahead and we'll be joined by many rural members—

Mr. Conway: Where's Doc Godfrey?

Mr. Swart: —especially if the Liberals keep on moving amendments like this, which is doing exactly what the rural people don't

want them to do. Everyone in that caucus knows it.

Mr. Conway: Is the member for Welland-Thorold running federally?

Mr. Breithaupt: Again?

Mr. Deputy Chairman: Order.

Mr. Bradley: The member for Welland-Thorold forgets I have his old speeches about Highway 406 to read to the House.

Mr. Swart: Come ahead; read them. They'll probably know, because there's a lot of logic in it, that it's not the hon. member's.

Mr. Conway: Did you run against Humphrey Mitchell in 1942?

Mr. Swart: No, I didn't run against him in 1942, but I ran the year after the old Liberal died.

Interjection.

Mr. Swart: There is another reason why I think it's important that we continue with the two-year period, for the time being at least; that is, we have no political parties at the municipal level. I hasten to say that I support the principle of not having political parties at the municipal level.

Mr. Roy: Some of your colleagues don't believe that.

Mr. Swart: My friend should listen well to my colleagues; it will be of advantage to him.

The absence of political parties at that level means that when people are elected to municipal councils, particularly in the larger areas, the electors are not as sure of what their policies are going to be or the kind of service they're going to get—although it's true to say that many promises are not kept by political parties—but they're not as sure of the people they're electing as they are if they elect them on a political party basis. Therefore, there is some reason there why there should be greater accountability and more frequency of that accountability back to the electorate.

I want to say too that it has been shown in those areas where they have an election only every three years, the bureaucrats have more control because they get to know the members of the council better and they can have more influence with the members of council than when they have two-year terms—

Mr. Conway: You might have been a puppet on a string, but the rest aren't.

Mr. Swart: The same thing is very true of developers: they become more entrenched with the council the longer that the council is sitting there.

Mr. Conway: You might have been a puppet on a string, but some of us aren't.

Mr. Deputy Chairman: Order.

Mr. Conway: At least Ellis Morningstar was a man of the people.

Mr. Swart: The member for Waterloo North mentioned that the Robarts report had recommended a three-year term and so had the Mayo report. He neglected to mention the Archer report, the other report, which recommended a two-year term in the Niagara Peninsula.

Mr. Bradley: We'd rather forget that.

Mr. Conway: Is there anything the member doesn't know?

Mr. Swart: He also mentioned the need for planning and for continuity of council; and, of course, there is some merit in these arguments. If a council is going to be there for a longer period of time, the councillors have the opportunity of planning. But any examination of municipal elections shows that only 20 to 25 per cent of a council that is in office is defeated at any one election. The average life-span of council members is in the neighbourhood of seven to eight years.

Mr. Conway: Do you remember Fred Burr's old resolution proposing a mandatory two-year term for this place?

Mr. Deputy Chairman: Order.

Mr. Swart: Yes, Mr. Chairman, would you stop the interjections, which are disturbing the House?

Mr. Deputy Chairman: Would the member for Welland-Thorold please ignore the interjections and continue his remarks? And would the member for Renfrew North refrain, please?

Mr. Conway: He is ignoring the bill, he should ignore the interjections as well.

Mr. Swart: Mr. Chairman, it's already there to almost the same degree that it would be if we had three-year elections at the local level. We have to weigh the arguments on one side against the arguments on the other side. In this particular amendment, as in this whole Municipal Elections Act, our party is going to come down on the side of maximum participation by the electorate, and maximum accountability of the councils back to the electorate.

Mr. Gregory: Mr. Chairman, I don't normally get into a debate of this type. However, I would like to make one or two comments in regard to the Liberal amendment, particularly in section 9, subsection 1, when we are dealing with the length of the term

of municipal councillors. Having experienced life on a municipal council, having experienced the three-year term, and recognizing the difficulty in gaining the experience you need prior to the election year, the third year, it was my experience that most people take most of a year to really know what is happening, to become a fully experienced councillor—except for some of the newer members, generally of a New Democratic nature, who are instant experts as soon as they get there.

Mr. Swart: We do start ahead, all right.

Mr. Gregory: But some of us who are not take a little longer. I found the three-year term gives a better balance to members of council. My initial reaction is to urge the minister to consider this in future; I recognize the difficulties at the present time.

Mr. Roy: Vote with us.

Mr. Gregory: Some of the difficulties, of course, would be because it would not only mean municipal councils, it would also mean boards of education. There are certain areas where boards of education override municipal boundaries, and if it was made a local option then you'd have the difficulty of adjacent municipalities having different preferences as to two- or three-year terms. It wouldn't really be workable for a school board that crossed both those boundaries. It has been my experience that a two-year term, particularly when you have municipal elections at rather odd times, as we have been having lately—at least provincial elections—

Mr. Conway: With some pretty odd results, eh?

Mr. Gregory: Yes, and Lord knows we might have more before we know it. We are getting to the point, as my friend across the way has said—

Mr. Conway: Uncle Bill learned a sorry lesson on June 9. He won't try that one again.

Mr. Deputy Chairman: Order, please.

Mr. Gregory: Sean, if you don't be quiet, I will never finish. You wouldn't want that, would you?

Mr. Conway: I didn't hear you.

Mr. Gregory: I was making the point that we are getting to the point where we are having elections almost every year, which I think is another reason for considering a longer term. The expense has to be considered.

Mr. Bradley: Come over and join us.

Mr. Gregory: For the community I come from, Mississauga, the cost of a municipal election is some \$100,000. That is not count-

ing the cost of the election for the individual candidates themselves. So I see a lot of merit to this. I certainly am not going to support the amendment of the Liberal Party, but I wanted it put on the record—

Mr. Ruston: You are not going to voice a vote?

Mr. Roy: Do you have any convictions or not?

Mr. Gregory: Yes, I do as a matter of fact.

Mr. Roy: Well, stand up for them.

Mr. Deputy Chairman: Order, order.

Mr. Gregory: I have convictions. Not only do I see the merits in a three-year term, but I see the problems—as I have just outlined if you took the trouble to listen. I see many problems in this. I would hope, as I said before, the minister will consider this in the very near future. If there is a desire to have uniform election periods across the province, perhaps we should be considering this in the future on the basis of population as opposed to numbers of municipalities. So with that, as I am saying, I will support the government position. I do so with some reservations in view of my experience as a municipal councillor.

[9:45]

Mr. Conway: I would speak briefly to the amendment in a supportive and positive way. I think something ought to be said, particularly about the comments from the member for Welland-Thorold, whose presentation of the so-called con position is, I think, a con in itself. I have not heard in this assembly for quite some time such a specious argumentation as I heard in that sense.

Mr. Swart: Read your speech in Hansard.

Mr. Conway: I listened with great interest to the hon. member for Welland-Thorold tell me that one of the reasons an extended term would be perhaps a very dangerous consideration is that it might allow the bureaucracy to be more manipulative of the elected officials. I think that says something for the kind of social democracy for which he may stand, but I certainly do not accept that as a fair comment on those very hard-working, fair-minded and democratically-oriented public servants who, I know, not only work in places like Renfrew county, but I am sure in his part of the Niagara region.

Mr. Roy: Even there.

Mr. Conway: I think he might want to reconsider the implication—

Mr. Mancini: Small guys.

Mr. Conway: —if not the explication of

that remark. To suggest to members of this assembly that a three-year term might give rise to an anti-democratic sentiment because the elected officials might have, by then, developed a "too-cozy" relationship—

An hon. member: Mel is chewing on his tongue, now.

Mr. Conway: —with the senior or middle-range bureaucracy in that particular region—

Mr. McClellan: Why don't you trust the people?

Mr. Conway: —now I hear the member for Bellwoods, like the member for Welland-Thorold, talk about their party being the party that is really speaking for the people.

Mr. McClellan: You got it.

Mr. Conway: It is my observation that people generally are tired of elections. There are so many elections that some people are confused to the point where they will elect people like the hon. members for Bellwoods and Welland-Thorold.

Mr. McClellan: Can I quote you?

Mr. Conway: It is that kind of confusion and it is that kind of apathy and indifference which—

Mr. McClellan: Can I quote you on that?

Mr. Conway: —I think is a serious comment on the present political culture.

Mr. McClellan: Can I quote you?

Mr. Conway: It is my observation that a three-year term would, in fact, under the conditions of this amendment, encourage a more active participation in the municipal process. I know the people in my area, many of whom have spoken very positively about some other changes in municipal elections in this province in the past number of weeks, feel very strongly that a three-year term would be an advantageous consideration.

I must say I am not one of those people who feels particularly strongly that the monetary consideration should, in fact, be a major one with respect to the timing of an election or the calling of an election or the frequency of an election.

Surely within the treasured democratic system that we have it is not particularly cogent to argue that because an election is going to cost money, as the hon. member for Mississauga East intimated in large areas like his own, it is a very costly venture. As we found out in May and June a provincial election can now cost as much as some \$20-odd million—

Mr. Breithaupt: Or even \$6 million a seat.

Mr. Roy: That is it. Talk about a waste.

Mr. Conway: But it seems to me that if an election has to occur—

Mr. Mancini: Lost your job?

Mr. Conway: —particularly at the municipal level, then it should incur costs. I don't agree that this kind of cynicism that gave us the provincial election in June—

Mr. Roy: A waste of taxpayers' money.

Mr. Conway: —is in any way commendable. But I must say, Mr. Chairman, that I feel cost should not be a total consideration.

Mr. Mancini: Six million dollars to give you a job.

Mr. Conway: I do think it may be a factor, but if an election is needed, then I think an election should take place. But I just wanted to put my strong personal objection to the suggestion or the implication that a three-year term would be undesirable because, in fact, it might allow, indeed encourage, a more manipulative relationship between a given bureaucracy at the municipal level and the elected officials there. I think that is specious. I think it is repugnant and it is something which I think is not to be considered in any positive way in this very useful amendment.

Ms. Bryden: Mr. Chairman, the difficulty I think some members have with this bill is that the bill itself says a two-year term, period, and the amendment says a three-year term, period.

Mr. Haggerty: Very reasonable, I think.

Ms. Bryden: They both will apply to 850 municipalities uniformly across the province. Of course, this is what you have to do when you're passing a Municipal Elections Act that applies to all 850 municipalities. But it does mean that we're legislating one rule or the other for all 850 municipalities. There is no flexibility in it.

Mr. Roy: Suggest an amendment.

Mr. McClellan: Go catch your plane.

Ms. Bryden: We are legislating for rural municipalities, some of which have difficulty attracting candidates even for a one-year term.

Mr. Mancini: What rural riding are you speaking about?

Ms. Bryden: Also some rural municipalities have very little turnover so that no matter whether you have a two- or a three-year term you'll probably have the same faces there year after year. Electoral costs can vary greatly according to the size of the municipality and this is a factor, of course, that influences people in deciding what is the most suitable term. The attrac-

tion of serving in elected office is also affected by the term, but again, the effect varies according to the size of the municipality. We don't really know how much effect the difference in term has on the voting turnout in the different municipalities.

So I think we might consider how more flexibility could be brought about, whether it should be brought about by a further amendment to this bill or whether it should be brought about by legislation that affects individual municipalities. I'm referring to the special Acts that apply to the regions and those that apply to places like the municipality of Metropolitan Toronto. Perhaps that is the better route—to deal with each large municipality on its merits—since they are generally covered by separate Acts. If there is a case for a three-year term or a longer term for the larger municipalities, it could be dealt with in that way and we could see the effects by observing what happens if it is applied municipality by municipality.

I think that is the kind of flexibility that the government should be thinking about. When you look at the main arguments for the longer term, they do apply more to the larger municipalities. There are perhaps not more than a dozen of them that are large enough that the arguments appear to be more in favour of the longer term because of the greater complexity and the higher cost of elections and the greater difficulty in attracting candidates who can make it a full-time job.

So I'm not going to move an amendment. I think for the general legislation, we stick to the two-year term, but that we urge the government to consider a longer term in its regional municipal legislation for the larger municipalities.

Mr. Breithaupt: How about three years?

Mr. Mancini: I am pleased to rise and speak on Bill 98, especially to sections 9 and 10 where my hon. colleague, the member for Waterloo North, has moved the amendment to have a three-year term for all of the local elections. I would like to say, having served on a local township council—

Mr. Roy: And served with honour.

Mr. Mancini: Thank you.

Mr. Roy: Just like he is doing in this place.

Mr. Conway: He knows what he's talking about.

Mr. Mancini: I found that the two-year term was rather short. By the time you learned the work on your committee—

Mr. Handleman: A lot of slow learners over there.

Mr. Mancini: —you were already moved to a different committee. I know that I could have used the extra year for the benefit of the people of the township that I served and not in any way compromise the principles of the office as the member for Welland-Thorold suggests.

I say to him I guess all the provincial governments of the provinces of Alberta, Nova Scotia, Manitoba and Saskatchewan who have had NDP governments didn't care if their local politicians compromised their positions. I think you should be embarrassed to rise in this Legislature and make that kind of comment, because there are a lot of good municipal politicians who are working and serving in their office for little or no monetary gain. In southwestern Ontario where we have municipalities of anywhere from 5,000 to 8,000 population, there is hardly any payment at all for the office. I don't know what the hon. member for Welland-Thorold was trying to say. I can just say that once again he had diarrhoea of the mouth.

Mr. Swart: Is that parliamentary?

Mr. Foulds: Call him to order.

Mr. Mancini: I hope that the members of the House consider the three-year amendment. It is a good one. I've had the opportunity of speaking with some of my local officials in the Essex South area and they feel that it would be an asset to them in helping them serve the people of their area. I know that they've mentioned planning and attracting industrial development in their different areas. They feel that a three-year term would be beneficial to them in serving their constituents.

Mr. Roy: Mr. Chairman, I just want to make a few comments about the question of a two- or three-year term. I can recall when the legislation was originally brought in, in 1971, establishing a two-year term. I think that at that time it reduced the term of a couple of regional municipalities in the province. I think it was Toronto and Ottawa which at that time had the three-year term reduced to the two-year term.

Mr. Haggerty: Erie too.

Mr. Roy: At that time I expressed serious reservations about this. Somehow we get the feeling in this House that because the municipalities are the creatures of the province we must continue being paternalistic towards the municipalities. I find it strange that the members to my left, especially the

member for Welland-Thorold, talks about accountability. He says it's better for purposes of accountability if they're elected every two years. What kind of reasoning is that? If he really believes that, we who are further from the people at the provincial and federal level should have shorter terms.

Mr. Foulds: With minority government we do have.

Mr. Roy: You possibly do have. That is because you're foolish enough to call elections when you shouldn't be doing it. The member for Carleton should know that. In fact, that last election probably meant that you were no longer in cabinet. That was your big frustration.

Mr. Handleman: —spent \$25 million for nothing.

Interjections.

Mr. McNeil: You defeated us in the House. We had no choice.

Mr. Handleman: How long is this term?

Mr. Roy: As long as you smarten up and continue governing with good sense. We told you that.

Mr. Chairman: Order, please. Would the member come back to the amendment?

Mr. Van Horne: Is seven months too long for you, Sid?

Mr. Roy: What were you saying, Mr. Chairman?

Mr. Chairman: Would the member come back to the amendment?

Mr. Roy: Oh, yes. Thank you.

Mr. Swart: It is not hard for him to go back. That is his direction.

Mr. Roy: The point is this, how can we who are under the BNA Act in any event, be allowed to govern with—what is it?—four or five years, and look down on the municipalities? How can we look down, for instance, on the mayor of Toronto, the mayor of Ottawa—

Mr. Mancini: The mayor of Windsor.

Mr. Roy: The reeve of Nepean, and say, "Andy, you've got to be more accountable. You've got to be elected." Does he approve of that? I'm sure he does.

Mr. Conway: What about Aubrey Moodie?

Mr. Roy: Oh, Aubrey doesn't like elections at all. But the point is, with municipalities of the size of many of our metropolitan centres, who are we to look at their locally elected people and say to them, "You must become more accountable"? We act like godfathers in this place.

[10:00]

Mr. Foulds: Speak for yourself.

Mr. Roy: Well, that's what you are doing. That's what the member for Welland-Thorold is saying to them.

Mr. Foulds: Speak for yourself.

Mr. Roy: He's saying, "You have to be more responsible. You have to be elected more often." You know, that's really hogwash. How can you tell the mayor of Toronto, "We can stick around here for four years, but you have to be elected every two years because you have to become more accountable," when there are regional councils and municipalities looking after the interests of over a million people—does that make sense? It really doesn't, and I think it's time we got away from this.

I am really surprised the government would not see fit to accept this amendment. What concerns me is that certain members—the member for Mississauga East, and I think the member for Beaches-Woodbine is leaning in that direction as well—feel they have to follow the party line on this very sensible amendment. If they were serious about their convictions, they would support this amendment.

Mr. Swart: Do you think your member for St. Catharines will support your party line?

Mr. Roy: They say it should be more flexible. I think my colleague from Waterloo will explain that it's difficult to have flexibility within this legislation. He will explain to you why it can't be done, in such a way that even you will understand. I think you will understand that.

Mr. Swart: You better get some other—

Mr. Roy: Mr. Chairman, Robarts looked at this thoroughly and reviewed the situation, and says—

Mr. Swart: Haven't you got any new material? You have been saying the same stuff for 10 years.

Mr. Roy: —"In the view of the commission, arguments for a three-year term in Metropolitan Toronto are convincing." I look at the Mayo report from the Ottawa area, and I read at page 119 from the Mayo report: "... all briefs received by this commission which commented on the term of office urged the extension of the present two-year term to three years."

Mr. Swart: Get some new material. You are using what Epp used.

Mr. Roy: Some new material—how new does he want this? One is October 1976 and the other one is June 1977. How much newer do you want it?

Serious reports have looked at this. As the member for Mississauga East said, the most compelling argument is the responsibility of the elected members for these large municipalities, who have to look at huge budgets, and who surely want long-term responsibility.

Mr. McClellan: What is wrong with democratic elections?

Mr. Roy: The most ironic part is that this government, this same government which has forced a two-year term on them, would have an election, for instance, in December—at the time they forced the election on them. In other words, they are saying, “You must get elected more often, but we will assure that the least people possible vote.” That’s the approach you have.

It seems to me when you look at the voting turnout at the municipal level—once there’s been an assessment by the electorate that they are satisfied with their council—it is exceedingly low. Is there any suggestion by the two-year term we are going to up the turnout? Is the turnout going to be any better? When you are talking accountability, it’s misleading on the facts—

Mr. Swart: You’re the best incentive for a good turnout.

Mr. Roy: I am really surprised at that member. I understand he has run for a lot of elections.

Mr. Conway: He is running federally next.

Mr. Foulds: A point of order.

Mr. Roy: It’s not a point of order. I am sure it’s not a point of order.

Mr. Foulds: A point of privilege then.

Mr. Chairman: What’s your point of privilege?

Mr. Foulds: Mr. Chairman, the speaker has attributed motive. He has used the term “misleading facts”—

Mr. Roy: That true.

Mr. Foulds: —with regard to other members of this House. That is unparliamentary and contrary to the standing orders. I ask him to withdraw it.

Mr. B. Newman: Carry on.

Mr. Roy: Well, sure, I will carry on.

Mr. Chairman: What was misleading?

Mr. Foulds: He used the phrase with regard to another member of this House—that he was using misleading facts. That is unparliamentary and contrary to the standing orders of this House.

Mr. Roy: Oh, come on.

Mr. Foulds: Sit down until he makes his ruling, will you?

Mr. Eakins: Stop screaming.

Mr. Chairman: I would say to the member for Port Arthur that I, as Chairman, did not hear that. However, I am sure if the member for Ottawa East did say that, he will probably withdraw it.

Mr. Foulds: That’s if he’s here the day after he sees it in Hansard.

Mr. Breithaupt: In speaking to the point of order, Mr. Chairman, I am sure that if the member for Ottawa East said anything he’s sorry for, he’s glad of it.

Mr. Swart: He’s that type, yes.

Mr. McClellan: He is permanently sorry; he is a sorry fellow.

Mr. Conway: My colleague really bothers the members to our left. I don’t know why.

Mr. Roy: Yes, somehow I seem to get on their nerves; and I don’t know what’s bothering their acting House leader this evening—

Mr. Conway: It’s the Cassidy leadership campaign; it’s going nowhere.

Mr. Roy: Is he supporting Cassidy?

Mr. Conway: The only one—a rare bird.

Mr. Foulds: Would the member mind sticking to the amendment?

Mr. Roy: I can see his frustration, Mr. Chairman; nevertheless, I don’t recall having used the word. But in any event, let’s be clear on this: If I said that a member was deliberately misleading, that is unparliamentary. But if one is confused, as that member often is, and if I say that in a confused and undeliberate manner he is misleading, there is nothing improper in that; it’s used in the federal House—

Mr. Foulds: Yes, there is.

Mr. Roy: Of course, the member for Port Arthur wouldn’t know the difference anyway, but I suppose—

Mr. Chairman: Order, please. Would the hon. member return to the amendment?

Mr. Swart: “Go back” is the phrase.

Mr. Roy: Thank you, Mr. Chairman. It’s just that I was so rudely interrupted by interjections which were not only confused but really didn’t make any sense.

Mr. Breithaupt: They were also misleading.

Mr. Roy: Yes, they were almost misleading. In fact, they were right in line with the member’s—

Mr. Foulds: Mr. Chairman, did you hear that?

Mr. Roy: I said “almost misleading.” What’s wrong with that?

Mr. Chairman: Order, please. Would the hon. member for Ottawa East return to the amendment? I would like to inform the member for Port Arthur that the Chairman will try to rule on anything. If he wants to get into debate, he certainly can at a later date.

Mr. Conway: The young Stanley Knowles.

Mr. Chairman: The member for Ottawa East will continue on the amendment.

Mr. Roy: If I may, I would like to complete my remarks—

Mr. McNeil: You said that before.

Mr. Roy: —which I intended to do, Mr. Chairman, before I was so rudely interrupted by a man who didn't know what he was talking about. In any event, I go back to the member for Welland-Thorold: You know, they make a good pair; between the NDP House leader and that member, I can see why they are confused.

In any event, I want to say that we on this side of the House believe seriously in our convictions. We believe in local autonomy. We believe that municipal people, locally elected and democratically elected, are competent. They don't have to go back to the people every second year on the basis of accountability. These people, if the electorate doesn't like what they are doing, it can vote them out just as well every three years as every two years. They are responsible people, democratically elected. We have faith in them, and our faith is represented by this amendment, and we support it.

Mr. Foulds: I hadn't intended to enter into this debate, but the scurrilous attacks on my colleague from Welland-Thorold have moved me to raise the following points.

The previous two speakers have engaged in the characteristic argumentum ad hominem. Instead of speaking to the principle of the amendment, they have attacked the personality and the character of other members of this House. That, of course, is the easiest form of argument when one has no solid basis for one's position.

Mr. Roy: That's exactly what you were doing today in attacking my colleague.

Mr. Foulds: I would simply like to say that we support the two-year term because it provides for consistency across the province, and the uniform municipal election date across the province has been found to be useful and worthwhile in terms of people knowing when the elections are taking place.

Mr. Roy: What's the difference between

two years and three years? Let's make it every year or every six months.

Mr. Foulds: Secondly, if there is an argument to be made for the large regional municipalities for a term longer than two years, the place to put that amendment is on the regional bills that govern those municipalities.

I would like to point out to you, Mr. Chairman, that the arguments in terms of principle are solid and my colleague from Welland-Thorold has put those and, during his remarks, did not attack any other member; he simply spoke to the principle of the amendment. It would be useful, during the course of this debate, if we could stick to the principle of the amendment.

Mr. Breithaupt: Mr. Chairman, I will ignore the obfuscation that has been entered into by the member for Port Arthur, other than to say that one might presume that a common three-year term across the province would be every bit as equally available, and understandable to the people of Ontario, as would a two-year term.

Mr. Foulds: Why don't you make it 10?

Mr. Breithaupt: The regularity of it is, I believe, indisputable.

Mr. Foulds: Make it 10; by that time they would forget what it was about.

Mr. Breithaupt: As a student and sometime teacher of political science subjects, I have always marvelled at the American system, which has called for, through the election to the Congress of the United States and to the House of Representatives particularly, a matter of two-year terms. This appears to be a common factor as well within the state legislatures, and as a result it has always struck me that American politicians have the burden of either getting over an election or getting ready for the next.

The result of this means, surely, that the ability of members of elected councils, in the American sense, has been somewhat compromised by this extreme electoral burden where the ongoing discussions of items that can be dealt with practically within a term, and can be looked at somewhat dispassionately and out of the burden of an election, is something which may be of interest to people in Ontario.

According to the federal and provincial constitutional backgrounds, we are in both instances elected for a term not to exceed five years. We're well aware that in the ordinary practice elections come federally and provincially, usually in the fourth year of what would otherwise be a five-year term. That has been changed on occasion because

of minority governments, but if you look back into the history of Ontario—even the more recent 34-year-old history of the government opposite—we find elections coming to pass in 1943 and then 1945; but then going on into a pattern latterly of 1955 and 1959, 1963 and 1967, 1971 and 1975. So that we are in a four-year cycle in the ordinary attitude that has taken place within the province. Ordinarily as well, as we look to federal elections, in 1945 and 1949 and 1953, and years later in more or less that same pattern.

I suggest to you, Mr. Chairman, that if we are to make municipal government a serious and responsible arena for public interest at the local level, then it is up to us to deal in that same proportion with the persons who seek office at the municipal level. I suggest to you that this amendment gives the opportunity of having a standard pattern of election across the province of Ontario. It allows, as a result, persons to plan the amount of time they may be prepared to serve as they offer themselves for election.

It also allows a certain saving in public funds, which can be balanced in the lesser number of elections, with the fact that the persons elected may be able to have the opportunity of serving for a somewhat longer and more balanced term. Obviously, if we were so minded that we wished to save completely the funds of a community, we might have an election every five or 10 or 15 years. That, of course, is not acceptable; we have to strike a reasonable balance, and I suggest that the three-year term is a reasonable balance to allow persons who are interested in municipal politics, to stand for election on the one hand, and on the other hand to allow for a reasonable expenditure of public funds as persons are prepared to come forward, and as the electorate is put to the choice of those persons who will represent them.

We have the opportunity of dealing equitably, across the province, with one common standard. It has been suggested in the reports which my colleague from Ottawa East had referred to, and in other reports that are available to the members of the House, that perhaps the larger municipalities were interested in a three-year term and the smaller municipalities were interested in a two-year term.

[10:15]

Of course, that generalization is as inaccurate fully as the approach that any generalization is inaccurate. But that seems to be the balance that has been brought forward by the elected representatives and

those persons involved in municipal politics within the province.

We have suggested that the three-year term be common across the province. We think it would be awkward if certain of the larger municipalities—shall we say Metropolitan Toronto or perhaps the city of Ottawa or Hamilton—might have a three-year term while other municipalities have a two-year term. Therefore, on balance we think the three-year term would be of use across the province. It would balance the interest of those persons seeking election with the interest of municipal electors. It would also allow municipal councils, when elected, to have a serious point of view and a known term upon which to base the various plans and programs that would more likely come to fruition within that term than they do under the present two-year cycle.

I suggest this three-year approach is a reasonable and positive way of making municipal government more interesting to those who are elected, more interesting to those who cast their ballots and more useful as we devolve upon the municipalities more responsibility for the operation of their own communities.

Mr. Ashe: Mr. Chairman, I would hope we can deal with this particular item tonight, as we have many other amendments to deal with.

Speaking to the issue before us, the hon. member for Waterloo North, who proposed the amendment, I think was somewhat unfair in his suggestions as to accountability. I'm thinking in the context of accountability to whom. There are two ways you can look at accountability. Those who make the argument for the shorter term, whether they be within this body or outside, talk about accountability to the electorate per se. that is to say, the people who go in, whether it be once every second year or every third year, and cast their ballots. But the other way is, are we trying to be accountable, at this time in any event, to the majority of the elected representatives from throughout the province? I would suggest that is one area this particular amendment does not recognize.

I think it has been acknowledged—it has been acknowledged by the Association of Municipalities of Ontario at least, as the hon. members are well aware—that there is no doubt a majority of the councils in the province of Ontario that favours at this time a two-year term. However—and there is no denying this—a minority of councils speaking for a majority of the population,

if you can relate those two, do favour, at this time, a three-year term.

But I am sure that we have to think about not only the numbers of people they supposedly represent, but the number of elected people who are giving the message to us. I don't think anybody can deny the numbers from across the province of various municipal councils that favour the two-year term. As a matter of fact, believe it or not, there was even some suggestions by some of the smaller rural municipalities that we should be returning to the one-year term, which I think would be, needless to say, a backward step.

Mr. Swart: They don't understand those small municipalities.

Mr. Ashe: There is no doubt also that we are talking about a significant size of population in the definition between the large and the small municipality—50,000 I think was used in one of the figures. I think you would agree that that is rather a significant-sized municipality within the province—even within regional municipalities. There are many local municipalities within regions that do not have a population approaching 50,000 people and these are reorganized in nature.

Mr. Haggerty: But 50 per cent of those running for office are returned—

Mr. Chairman: Order.

Mr. Haggerty: —25 per cent by acclamation.

Mr. Chairman: Order.

Mr. Ashe: So?

Mr. Haggerty: I think we have to take that into consideration.

Mr. Ashe: I think also we have to recognize that if many of the people who are supporting the three-year term at this time feel so strongly—and this has been put forward, that many of the people of Ontario favour a three-year term, although I personally do not feel, from the feedback we have been getting, that this is the case at all—but if that is the case, the option is open to municipalities, and this is nothing new that they are quite within their rights to have an item on the ballot next year asking the people within their jurisdiction whether they favour a two-year or a three-year term. I would suggest that many municipalities that now purport to favour the three-year term would not take up that challenge because they are afraid of the consequences of what their electorate might tell them.

I'll try to finish off very briefly so that hopefully we can deal with this item tonight. I think it is safe to say that we recognize, as has already been put forward, that there are differences within the province. There are major studies that are still being considered, that may end up showing there should be in certain circumstances three-year terms.

I don't think it is quite as easily enacted as has been suggested, that we just arbitrarily make a change on some of the regional bills. Keep in mind that in many instances there are overlapping jurisdictions for school areas. These problems have to be worked out. We have had discussions with the Ministry of Education in this regard and hopefully that can be resolved in the future.

I personally, and I think this view is generally supported within the ministry, would foresee that this is not a definitive decision tonight that says there shall always be—

Mr. Roy: That is a problem with this government, it keeps vacillating.

Mr. Ashe: No, the big difference is that we react to the needs of the province and of the people as we perceive them, and as times change. That is one thing that you people don't like to recognize and don't like to do.

Mr. Conway: You realize you cost us six millions bucks; take it easy.

Mr. Chairman: Order.

Mr. Ashe: It is all right; some people feel they are worth it, some people do not.

Mr. Ruston: We know in this case.

Mr. Ashe: I would hope that in the future, it is quite conceivable and quite probable that we will be able to come up with some working situation that will allow recognition in the larger urban municipalities, including the predominantly urban regions, that there will be an option within regional areas or within a county area. I think this is what the people of Ontario would probably opt for. There is no doubt that that is what the municipal councils of Ontario opt for.

But I do not think it is practical to suggest that we go forward with that at this particular point in time. Many would suggest that it takes a new councillor a year to learn and then he is electioneering for a year. Let me tell you that if that is the case with the majority of new councillors I think that our municipalities are heading down the wrong road. I have found in most instances that this is not the case.

Mr. Roy: That's it, "Father" Ashe, give them your blessing.

Mr. Ashe: Any new municipal councillor

that is worth his weight in salt knows his job in three to six months. It may have taken you a year or two to learn your job, but for most people it does not.

Mr. Roy: That is your job.

Interjections.

Mr. Chairman: Order; the member for Durham West has the floor.

Mr. Roy: No wonder you are in trouble. What contempt.

Mr. Ashe: We are in trouble listening to you people sometimes, I agree.

Mr. Roy: Two minority governments; \$20 million.

Mr. Warner: I hope the Treasurer doesn't find out how you are butchering this bill; you are going to lose your job.

Mr. Ashe: Mr. Chairman, would you please get order back so I can conclude my remarks?

Mr. Laughren: A good idea, carry on.

Mr. Chairman: The member for Durham West has the floor.

Mr. Ashe: Thank you, Mr. Chairman. To just close this item, I think I would like to read into the record a very relevant editorial that I think says it all. It is an editorial from the Kitchener-Waterloo Record dated Thursday, November 24.

Mr. Breithaupt: An unimpeachable source.

Mr. Roy: Is that the one that says the Tories scare easy?

Mr. Ashe: No, Mr. Chairman, this is headed up: "Old Arguments Don't Stand Up for Three-Year Council Terms".

Mr. Conway: There aren't any Tories in Kitchener-Waterloo.

Hon. J. A. Taylor: That's a shame, it is Kitchener's loss.

Mr. Ashe: "In 1972, when the Ontario government amended the Ontario Municipal Act to establish two-year terms of office for municipal councils, it had good reason for doing so."

Mr. Eakins: Don't forget that Kitchener-Waterloo is a waste land, a political waste land.

Mr. Ashe: "One year terms were hardly long enough for new council members to get their feet wet, to make what contributions they may have been able to make before having to face another election."

Mr. Roy: Misguided.

Mr. Ashe: "Increased complexities of municipal government—"

Mr. Haggarty: Time.

Mr. Ashe: "—made some difficulties even for experienced members and continuity, if not seriously threatened—how often are wholesale changes made by voters—was not always easy to sustain on a year to year basis.

"It was argued by supporters of a two-year term that a one-year term wasn't a one-year term at all, because a council in office cannot commit a council not yet elected to any particular course of action. It was also generally agreed that annual elections were costly when compared with the benefits likely to accrue.

"The two-year term has effectively corrected the earlier weaknesses. It has given plenty of time for all but the more obtuse members of council to grasp the fundamentals of municipal government, and it has given voters enough time to reasonably assess the work of councillors and to build, if necessary, a campaign against those they feel are not worthy of continued support.

"However, as might have been expected, it wasn't long before a movement was under way to encourage government to extend the term to three years. Some council members, it seems, are unable to grasp the fact that membership on a municipal council is a political post held at the whim of people they are elected to serve."

Mr. Epp: You took that out of context.

Mr. Ashe: "As early as 1974, three-year advocates, using the same old arguments, tried to persuade the Association of Municipalities of Ontario to support the longer term."

Mr. Van Horne: Did you make your mind up before you read that article or after?

Mr. Ashe: "They failed then, but the association came around in August, unable, we assume, to resist temptation."

Mr. Bradley: Your friends in the regional council don't agree.

Mr. Conway: Read the whole thing, George; don't leave out selected parts.

Mr. Ashe: I shall read the whole thing. "Encouraged by association support as well as his party's caucus, Herb Epp, Liberal MPP for Waterloo South—"

Mr. Conway: Man of the people.

Mr. Ashe: "—and a former Waterloo mayor, this week recommended a one-year extension to the Legislature.

"But Epp and his supporters are wrong. The old arguments do not stand up this time."

Mr. Ruston: I always find you do well if you don't believe the papers.

Mr. Ashe: "There is sufficient continuity. The few new council members likely to come aboard after an election do have enough time to learn the ropes—"

Mr. Eakins: Did you have to read that to make your mind up, George?

Mr. Ashe: "—especially when there are so well-informed municipal employees ready to assist in the learning process. And two-year election costs are not exorbitant when weighed against the disadvantages of three-year terms."

Mr. Ruston: We know you can read a little bit.

Mr. Ashe: "If greater security is what the three-year proponents are after, they have to be reminded that security is not an acceptable political standard."

Mr. Bradley: What are you going to say when you change it to three years?

Mr. Ashe: "It is rather the degree of insecurity that helps keep politicians' noses to the grindstone. Voters should not have to wait three years to make needed changes—"

Mr. Haggerty: You won't be here.

Mr. Ashe: "—when the need is often evident in half that time. A three-year term is entirely too comfortable, one almost certain to give way to laziness, if not to putting off until an election year that which should be done today."

Mr. Eakins: You were in Bill's wind-up room this morning.

Mr. Roy: That's what Billy Davis said.

Mr. Ashe: "Parkinson's Law warns us of that. All work expands to fill the time allotted to it."

Mr. Conway: Did he say anything about 34 years?

Mr. Ashe: Mr. Chairman, I think that editorial speaks for itself.

Mr. Conway: The question is, do you?

Mr. Warner: What a dismal performance.

Mr. Chairman: Is there further discussion?

Mr. Breithaupt: Mr. Chairman, I think that certainly we have the opportunity of dealing with editorials from time to time.

Mr. Roy: That's right. What did this one say?

Mr. Breithaupt: Earlier this evening, from my local newspaper, I must say I favoured one of their views. This one I don't agree with.

Mr. Chairman: Order, please. It is now 10:30. Is there any further discussion?

Mr. Breithaupt: The committee might rise and report.

Hon. Mr. Welch: Are we finished with the discussion? We could at least have the vote, couldn't we? Let's have the vote.

Mr. Breithaupt: I think we could at least place the vote, to be stacked then, so that this matter is completed.

Mr. Chairman: I see the member for Waterloo North on his feet.

Mr. Epp: Thank you very much, Mr. Chairman. I thought you were going to deprive me of my accountability here. I want to make a few comments with respect to this.

Interjections.

Mr. Epp: Five or ten minutes. I could wait until Thursday.

Mr. Chairman: Order, please, I'll ask for the comments of the government House leader.

Hon. Mr. Welch: Mr. Chairman, if in fact there's more discussion on this, fine; I thought that since the parliamentary assistant had carried through on the matter that all the discussion was completed.

Mr. Roy: We had too.

Mr. Conway: No, he just dived in uninvited.

Hon. Mr. Welch: If that's not the case, then I would—

Mr. Roy: He was too provocative.

Mr. Chairman: Order.

[10:30]

Hon. Mr. Welch: If there is more to be said on this amendment, we should do it another day.

On motion by Hon. Mr. Welch the committee of the whole House reported two bills with amendments.

THIRD READINGS

The following bills were given third reading on motion:

Bill 88, An Act to amend the Corporations Tax Act, 1972.

Bill 94, An Act to amend the Negligence Act.

Mr. Speaker: Under standing order 28, a motion for adjournment is deemed to have been made. I will hear the hon. member for Port Arthur for up to five minutes.

Mr. Roy: Oh, let's get out of here.

ACTIVITIES OF OPP

Mr. Foulds: Thank you, Mr. Speaker. There are three possibilities regarding the OPP security force's surveillance of the Oc-

tober 14 demonstrations in 1976. One, it's a comic opera force looking for work and had nothing better to do on that date in Toronto and in Thunder Bay; or two, it's a sinister force looking for subversives in every legitimate protest; or three, it's an incompetent combination of the two.

What is clear is that the minister probably doesn't know, and what is shocking is that he appears not to want to know, what is going on in his own ministry, especially in the security branch of the OPP. Frankly, the branch appears completely out of control, operating on its own with no reference to the minister. What is even more worrying is the sheer hit or miss nature of the operation; or is it sheer incompetence?

The minister said, in his reply of December 2 that two plainclothes officers were stationed at the Ontario Legislature. One was a chief inspector whose duty was to supervise the Ontario Government Protective Service. He normally attends at the Parliament buildings when any demonstration occurs there. The second member was assigned to plainclothes duty to ascertain if any breaches of the peace were planned or intended. The minister went on in his reply:

"The member of the Thunder Bay unit was at the Thunder Bay demonstration as a function of his normal plainclothes duties and as a member of the security branch. Thunder Bay was not singled out when there were demonstrations throughout the province. It is simply a matter of number of personnel. The security branch of the Ontario Provincial Police has members stationed at Toronto, Windsor, Kenora, Kingston and Thunder Bay.

"No information was received concerning possible demonstrations in any of the other locations, so only the officer in Thunder Bay was assigned to monitoring the demonstration there."

What nonsense; what incompetence. It was well known throughout the community, it was well known in the media, that there were to be demonstrations in Kingston and Windsor, for example. Why did the officers there not see fit to report and supervise those demonstrations? Were they sensible enough to see that they were legitimate demonstrations and not in need of this kind of surveillance?

The detailed description in the minister's own estimates of the security branch says: "This branch was established to provide continuing protection against threats or actions by subversive elements, thereby maintaining public order."

Well who were the suspected subversives?

Why only in Toronto and Thunder Bay; why not in Kingston and Windsor? Doesn't the minister find that inconsistent?

Even more disturbing, Mr. Speaker, are the minister's comments to the press, as reported in the Toronto Star of Saturday:

"Plainclothes Ontario Provincial Police routinely attend public demonstrations where they eavesdrop on conversations in search of agitators, Solicitor General John MacBeth revealed yesterday. So much police work is done by listening and reports, whether it's a football game or whatever. There may be agitators around, he said in an interview."

Mr. Conway: And socialists to boot.

Mr. Foulds: "I'd be surprised if they didn't have a few people at the Santa Claus Parade, he said."

Mr. Warner: Spying on the Santa Claus parade—that's sick.

Mr. Foulds: I find that ridiculous, if not worrying. I mean, what is it about Santa Claus that would attract subversives? Is it because he wears a red suit? Because he has long hair and a beard? Because he gives away things? Or is it because he comes from the North Pole and is in close proximity to Russia? It betrays a misunderstanding by the minister of the use of police. It's just crazy to have that kind of surveillance of the Santa Claus parade.

The minister has given answers reluctantly, piecemeal and incompletely over the last number of weeks. He has not answered the fundamental question of why these plainclothes people could keep the peace when uniformed municipal police officers on duty couldn't. The explanations just don't hold up.

In conclusion, in these times of economic insecurity it is not popular for a politician to question the use of security personnel, either RCMP or OPP, but surely to goodness as public figures we must support the right of free assembly to protest publicly either real or imagined wrongs. Surely we don't need internal security forces eavesdropping on our own citizens in their right to demonstrate and protest. To misuse the OPP this way is an invasion of privacy and an intimidation of the right to dissent.

The Solicitor General must either be much more specific about what these officers were doing, why they were required and when and how they may be used in the future, or he had better get them out of the job of spying on our own citizens. The Solicitor General has a responsibility to protect our liberties as well as a responsibility to keep the peace.

Hon. Mr. MacBeth: Mr. Speaker—

Mr. Conway: Is the member for Fort William (Mr. Hennessy) the deputy leader?

Hon. Mr. MacBeth: He would make a good one.

Mr. Warner: As soon as you can wake him up.

Hon. Mr. MacBeth: If there is any comic opera in this matter, it's the member for Port Arthur in the way he tries to present a very natural police function as some sort of sinister plot.

Mr. McClellan: What's so natural about police work?

Ms. Gigantes: Do you mean natural as created by God?

Hon. Mr. MacBeth: Anybody engaged in police work knows that one of the best ways to do it is not to wait until some breach of the peace has taken place but to try to prevent that. Any good police force has a number of plainclothes people circulating at any time a crowd gathers. I tried to draw attention to the ridiculousness of the situation the member for Port Arthur was suggesting by pointing to the fact that they do have plainclothes people at parades, even such as the Santa Claus parade. I certainly didn't mean to suggest that the OPP had people at such parades but the local police force probably would have them there.

Ms. Gigantes: Not in plain clothes.

Mr. Davidson: Uniformed officers.

Hon. Mr. MacBeth: Regrettably, there are a number of people in this province who are looking for occasions to cause trouble. Whether it's the Labour Day parade, the Santa Claus parade, a football game or any other kind of function, if they think they can disturb the peace, they will. That doesn't mean they are in any way attached to any of those movements that I have suggested.

Ms. Gigantes: What about the Kinsmen? Are you spying on Kinsmen?

Hon. Mr. MacBeth: There are people that just like to cause trouble for anybody at any time. The police know who these people are, and it's surprising the gatherings that they see the same faces at, even though they have no connection with those causes—

Mr. McClellan: Every Santa Claus parade in Ontario—I know.

Mr. Davidson: Chamber of commerce dinners.

Hon. Mr. MacBeth: —and very often they recognize the police as well—

Ms. Gigantes: It would help if they had their uniforms on, wouldn't it?

Hon. Mr. MacBeth: —so just by the fact that those plainclothes people are there, it often prevents problems from arising.

Mr. Davidson: How can you call that prevention?

Hon. Mr. MacBeth: As I say, this is purely preventative policing. It is regarded as necessary in all forces; it is a duty the police have, Mr. Speaker, and I think they will continue to perform that duty.

Mr. Warner: The government is paranoid.

Mr. Breithaupt: There were even some police at Joe Clark's dinner.

Mr. Speaker: The hon. member for Hamilton Mountain for up to five minutes.

EMBASSY MANAGEMENT CONTRACTS

Mr. Charlton: I have to start out by saying, Mr. Speaker, that I am very disappointed in the Minister of Government Services (Mr. McCague) and his ministry. It is over a month now since I raised in estimates the issue of Embassy Management Limited, and I explained to him at that time, and to the deputy minister, that I had received a number of complaints from a number of subcontractors who had worked for Embassy Management on government contracts, that they had not been paid, in some cases, for up to a year. The minister and his deputy at that time informed me, and probably rightly so, that there was no action they could take against Embassy unless there were convictions against Embassy, confirming or demonstrating in law Embassy's bad record and bad business practice in their payment of subcontractors.

I accepted that statement at that time, a month ago, but at the same time the subcontractors who had talked to me had also talked to the ministry, talked to the minister and the deputy minister. They had made the minister and his deputy aware of some 13, I believe, outstanding legal actions against Embassy Management Limited. They had also suggested, I believe, that they felt there were probably some convictions already, somewhere on the books.

My concern here, Mr. Speaker, is that in over a month, with the weight of probability, in the light of 13 outstanding legal actions against Embassy, the minister and the ministry did nothing to check out whether in fact there were already some executions against Embassy.

Myself and one of the subcontractors who spoke to the ministry, took the time to check

a few of the local court-houses and registry offices around the Toronto area and came up with a number of already existing executions against Embassy. Those executions were available to the ministry, if they had wanted to take the time and have the concern over the complaints they had been receiving about this contractor on government contracts; but they didn't take the time and they didn't get the information.

Ms. Gigantes: The police are too busy out spying on the parades.

Mr. Charlton: This type of attitude on the part of the ministry, this attitude of just sitting back and waiting and hoping that somebody is going to walk in and hand them the goods, just isn't good enough. It is in fact a black eye on the government of this province.

Mr. Davidson: The man in the Santa Claus suit disappeared.

Mr. Charlton: How can anyone have faith in a government which is made aware of this kind of abuse of the expenditure of public funds on the part of a contractor hired by the government of this province, and have the ministry involved sit back and hope that the whole thing will work itself out?

Mr. Davidson: It is known as graft.

Mr. Charlton: Just before the adjournment tonight, I went over to the minister and I handed him two executions against Embassy Management. One of those executions was from an action by a subcontractor on a government contract and it was for nonpayment of that subcontractor. The second execution against Embassy Management was by Embassy's ex legal firm, who had to in turn sue Embassy themselves for non-payment of bills.

Mr. Conway: Goodman and Goodman?

Mr. Charlton: I also informed the minister, although I don't have printed documentation of this, I informed the minister that I believe if he goes to the registry office or the court-house in Parry Sound he will be able to get documentation of another execution against Embassy Management by a subcontractor from the Parry Sound area, also on a government contract.

Most of the subcontractors who have been involved with Embassy Management, most of the subcontractors involved in the 13 outstanding suits that I know of, are small contractors. They are hurting because they haven't been paid by Embassy Management. One of those subcontractors is on the verge of bankruptcy; there are wages unpaid and bills unpaid to suppliers.

It seems to me, Mr. Speaker, that in the light of all the evidence that exists and all the accusations that have been made, that this minister and this ministry have an obligation to the people of this province, to this House, that this minister should demand of the Ministry of Consumer and Commercial Relations an investigation under the Business Practices Act of this company, Embassy Management Limited.

Mr. Speaker: The hon. member's time has expired.

Mr. Conway: Frank Drea is the only one over there who knows anything.

Hon. Mr. McCague: Mr. Speaker, this afternoon the hon. member brought to my attention two executions against Embassy Management Limited, of which I personally was not aware of. I did tell the member during estimates that we would attempt to substantiate what we felt were unfair practices in order that we could deal appropriately with Embassy Management Limited.

Mr. Davidson: You've got a bigger staff than he's got.

[10:45]

Hon. Mr. McCague: Some things were brought to our attention.

The member asked me to guarantee that there would be no further contracts signed. I did mention at estimates time that I didn't intend to sign any more contracts unless legally obliged to, and I have not signed any more contracts since that time with Embassy Management.

Mr. Conway: Pray tell why.

Hon. Mr. McCague: The member is asking if I would refer the matter to the Minister of Consumer and Commercial Relations (Mr. Grossman). I'm not sure, to the hon. member, whether I have the right to do that. I have discussed that with the minister.

It would be helpful, I think, if the people who do find themselves in a difficult position would ask the minister to do that, and he has assured me that he'd be glad to look into it under the Business Practices Act. So if the member would agree to ask those for whom he is speaking and whose names he mentioned this afternoon, to ask the minister to do an investigation, I'm sure that he would be glad to do it.

Ms. Gigantes: Bring in an un-uniformed OPP man.

Mr. Speaker: That disposes of the matter.

The House adjourned at 10:47 p.m.

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Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 8, 1977

The House met at 2 p.m.

Prayers.

STATEMENTS BY THE MINISTRY

CONFIDENTIALITY OF HEALTH RECORDS

Hon. Mr. Timbrell: Mr. Speaker, last Thursday I promised the House I would report back on the terms of reference for the inquiry to be conducted by Mr. Justice Krever into the confidentiality of medical records. Yesterday the cabinet approved my recommendation that Mr. Justice Krever's inquiry be conducted under the Public Inquiries Act, with the following terms of reference:

To review all legislation administered by the Minister of Health—e.g., Public Hospitals Act, Health Disciplines Act, Health Insurance Act and Mental Health Act—together with any other relevant legislation administered by other ministers, and any regulations passed thereunder; to determine whether proper protection is given to the rights of persons who have received, or who may receive, health services, to preserve the confidentiality of information respecting them collected under that legislation; to review the legality of the administrative practices under the above Acts; and to report thereon to the Minister of Health with any recommendations for necessary amendments to the legislation and the regulations passed thereunder.

I expect Mr. Justice Krever should be ready to begin his inquiry early in the new year. I have indicated to him the government's hope that we may receive his report as soon as possible.

Mr. Lewis: Surely the Minister of Labour is going to disown the article in the *Globe and Mail*.

ORAL QUESTIONS

Mr. S. Smith: I'll reserve my questions. Is there no one in charge of the government, Mr. Speaker?

An hon. member: You wouldn't think so.

Mr. Roy: Obviously not.

Mr. McClellan: Here is the doctor. He will take care of it.

Mr. S. Smith: Mr. Speaker, is there someone to whom I might direct questions to find out who is answering on behalf of the government? Is there someone in a position to lead?

Mr. Breithaupt: The Premier or House leader.

Mr. Roy: The whole front row is missing.

Hon. F. S. Miller: Address the ministry.

Mr. Reid: We don't see any leaders over there.

Mr. Lewis: Mr. Speaker, on a point of order, if I may, since obviously the pre-occupation of the opposition is to be able to ask the Premier about Falconbridge—Oh, here comes the Premier.

Mr. Speaker: Perhaps while the Premier is taking his place we can have the hon. Minister of Energy give the answer to a question asked previously.

Mr. Lewis: Better he gets it out of the way at the beginning.

BRADLEY-GEORGETOWN HYDRO CORRIDOR

Hon. J. A. Taylor: Mr. Speaker, on Thursday, November 24, the member for Halton-Burlington (Mr. Reed) asked me how I justified three 500-kilovolt lines running south from Bruce to Milton at a time when power is demanded in northern Ontario.

I cannot justify and do not attempt to justify these lines because there are not three 500-kilovolt and two 230-kilovolt lines running south from Bruce to Milton. In fact, there is only one 500-kilovolt line authorized but not yet completed to Milton. There are no 230-kilovolt lines constructed or authorized from Bruce to Milton.

The member also stated that the power that is demanded from the station is flowing into northern Ontario. This is not correct. While the system is designed to accommodate the flow of power in any direction, most of the power would be used in southern Ontario.

On Friday, November 25, the member further asked whether I was satisfied with

the convergence of five 400-kilovolt lines and two 230-kilovolt lines at Milton in terms of the security of Hydro's distribution system. The member may have meant four 500-kilovolt lines rather than five 400-kilovolt lines as there are no 400-kilovolt lines in the hydro system. There are, in fact, three 500-kilovolt lines approved but only one line is under construction into Milton station. There are no 230-kilovolt lines from the north or west into Milton station. There are four 500-kilovolt lines approved out of Milton station. Two are under construction. Four 230-kilovolt lines have been approved to go east and south from Milton but are not under construction.

The matter of system security and rights of way for both the 500-kilovolt and 230-kilovolt lines connecting at Milton follow the recommendations of Dr. Solandt in March 1974.

I was further asked if I would examine the consequences of the severing of either the north-south lines or the east-west lines. The severing of either of these 500-kilovolt lines into the Milton station would isolate the Bruce generating station or the Nanticoke generating station from the 500-kilovolt grid. However, Bruce generating station would still supply southwestern Ontario by way of 230-kilovolt lines, and Nanticoke could continue to serve London, Kitchener, Hamilton and Toronto by the existing 230-kilovolt grid system.

Mr. Reed: Mr. Speaker, first of all a point of clarification: Unless there is an error in Hansard—which there may be—at no time did I ask the question about 400-kilovolt lines. I am certainly aware—as is the minister—that there are no such lines. Certainly I did not ask a question on 400-kilovolt lines. If it is in print in that form in Hansard, it is definitely an error and I would like to go on record as pointing that out. (See Erratum at back of this issue).

Hon. B. Stephenson: Why didn't you correct it in Hansard?

Hon. J. A. Taylor: You should have corrected it earlier.

Mr. Reed: It is quite correct that the minister says there is only one line being applied for.

Mr. Speaker: Question.

Mr. Reed: Is not the long-term plan ultimately to run three 500-kilovolt lines, coupled with two 230s, down that grid? Is not the ultimate corridor width to be a minimum of 750 feet going through Halton, north and south, and up to a maximum of, I think it is, 1,750 feet?

Mr. Speaker: The question has been asked.

Mr. Reed: I realize the application is only for one line initially.

Hon. J. A. Taylor: Mr. Speaker, the member for Halton-Burlington did indeed sit down with Ontario Hydro and I thought he had the answers clear. Apparently he has not.

The answer I gave today in connection with his questions indicates those lines that have been approved and those that are constructed or are being constructed. Any other lines would have to receive approval and they would have to be subject to, of course, the usual public hearing process, including the Environmental Assessment Act. So I can't give any further commitment in terms of where additional lines might go.

If the member wishes any additional information, I would be delighted to see that he gets it, including looking at a map that I have with me today.

Mr. Speaker: A brief supplementary; a final supplementary.

Mr. Reed: I'm not sure just how to ask this to get the answer, but are not the plans, the ultimate plans, for that kind of a corridor?

Mr. Cunningham: Yes or no.

Mr. Reed: Yes or no, that's right.

Hon. J. A. Taylor: One cannot commit oneself to something in the future which has not, in fact, been authorized. I've given the member specifically the information that he requested. There cannot be any plans until the four lines in any location that he might like to think of—until those projects, of course—have been reviewed. As he knows, that's part of the future planning in any event.

LAYOFF OF NICKEL WORKERS

Mr. S. Smith: A question of the Premier: In view of the announcement by Falconbridge of the elimination of another 750 jobs in the Sudbury area, reducing the Falconbridge work force, I believe, from approximately 4,000 to 3,000 in the course of a year, is the Premier now prepared to agree with our position that the select committee which is to investigate the layoffs at Inco should be broadened to examine the Falconbridge problems as well and certain of the common problems in the resource sector, as highlighted by this latest development? Would he be willing to have that select committee look at the Falconbridge matter, and bring Falconbridge people and metal mining experts and so on before the committee so as to broaden its terms of reference?

Hon. Mr. Davis: Mr. Speaker, I don't want to be misunderstood, but in conversation with I believe the leader of the New Democratic Party a while ago, I said that if the rumours we had all heard with respect to Falconbridge were valid—and there have been discussions, but with no real figures until Tuesday and Wednesday—there are some parallels in terms of the situation at Inco and Falconbridge, so that certainly I would envisage the committee would deal with both.

There are some parallels; there are as well—as members from the area in particular would know—some differentials in terms of the problems facing those two companies. In my discussions and from the reports I have received from the ministers and ministries who are involved, I find the basic problem for Falconbridge that they have in common with Inco is again the question of the nickel market.

I really don't think it is a question of having a lot of mining experts, because I think the committee will be dealing with the question of the market; whether there are ways and means of alleviating the difficulty. I don't think one needs a lot of experts on metallurgy or mining technology to understand that it is basically world market conditions that have led to this situation, or lack of markets.

[2:15]

I think it is important to point out that while there are similarities, there are, as well, some differences with the situation at Falconbridge.

Mr. Martel: They should fire Marsh Cooper for openers.

Hon. Mr. Davis: Well, Mr. Speaker, I think the committee, hopefully, in their discussions with—

Mr. Laughren: They can start by getting rid of Leo Bernier.

Mr. Speaker: Order. Order.

Mr. Lewis: He gave them exemption to create jobs a couple of years ago.

Mr. Speaker: Order. This is not a debating period; it is a question period.

Mr. Laughren: You are the architect, Leo.

Mr. Lewis: It was your refining in Norway that lies at the root of this.

Mr. Wiseman: You gave the jobs away.

Mr. Laughren: You are responsible, Leo Bernier.

Mr. Martel: The albatross of the north!

Mr. Speaker: Order. Order. Some of the members are hard of hearing today. The

only person who has the floor and the only person I want to hear right now is the Premier.

Mr. Laughren: Tell him to say something.

Hon. Mr. Davis: Mr. Speaker, I wish that were always the case. But I should point out one of the main items I discussed with the chairman of Falconbridge, Mr. Cooper, and the area that I am sure concerns us all because of rumours of a possible shutdown of Falconbridge—reading the early afternoon papers you would sense, not necessarily from the headlines but from the story, that Falconbridge was either going to move or close down—was the long-term prospects for Falconbridge.

Mr. Cooper made it very clear to me, and I have a copy of the statement that was released, I assume, at 9:30 or 10 this morning, that they intended to stay in business. They did not minimize the seriousness of the situation they faced as a company but they were optimistic about the long-term future of the industry continuing to operate in this province.

I should also point out that while one can argue Norway—

Mr. Laughren: We sure can.

Hon. Mr. Davis: —it is also quite clear that reductions are taking place—in terms of capacity in Norway.

Mr. Martel: They wouldn't expand and—

Mr. Laughren: Talk to Leo about it. He's the one who sold you down the pipe.

Hon. Mr. Davis: Mr. Speaker, I am trying to share with the House as much information as I am permitted to share at this moment.

Mr. Laughren: Don't apologize for Leo Bernier.

Hon. Mr. Davis: If the hon. members in the New Democratic Party want to interject and say that Norway is at the root of this problem, I don't purport to be an expert—

Mr. Martel: We sure do.

Mr. Lewis: It is the exemptions.

Hon. Mr. Davis: —but I would say, with respect, it is not.

Mr. Warner: There is the root right there. Let's start with him.

Hon. Mr. Davis: It is not at the root of the problem. The root of the problem is the same as with Inco—

Mr. Laughren: Leo Bernier is!

Hon. Mr. Davis: —and that is the reduction in the world demand for nickel. There are no architects of this difficulty, unless one wants to refer to the world

economy, the fact that steel mills in western Europe and in the United States are not producing as much steel, and that nickel is a very important ingredient in that aspect.

Mr. Lewis: Give them more exemptions.

Hon. Mr. Davis: Nor is there any debate about the export of 75 per cent matte. I say to the Leader of the Opposition: For Falconbridge it is a very simple case of surviving as an organization and protecting the jobs of some 3,000 people who will continue to be employed.

I also add, because some of this had emerged during the discussions with respect to Inco, and I cannot give you the exact dates, but during the recent period of time, Falconbridge has invested, apart from operating costs, some \$280 million in the Sudbury area—

Mr. Laughren: Thanks a lot.

Mr. Martel: The plants never operated.

Hon. Mr. Davis:—and has taken some \$36 million out. That \$280 million is exclusive of operating costs. That is capital investment. Falconbridge have mentioned to us, and this will be an interesting thing for the committee to come to grips with in terms of both Inco and Falconbridge—it was part of their release, so I am not saying anything in public that they have not already referred to—that their new smelter, a \$95-million investment capital cost which was partially due to environmental standards that we as a province feel should be there, will lead to a fewer number of employees because of the increase in the technology.

I think when the committee discusses the problem facing the industry in the longer term and the cost of doing business in this province, it will hear something about the requirements for capital investment for environmental purposes. As I've said so many times in this House, I think it's important that we maintain our concern and our progress in environmental matters, but at the same time there has to be a recognition that there is a cost factor involved.

I think it's fair to state that while Falconbridge has some concern in terms of the capital investment required over the next number of years, that really has not led to the difficulty which it faces at present. It may be a part of their financial problem, but the bulk of their problem is that they cannot sell the products they are producing; it's really as simple as that.

I should point out, and I want this to be very clear, that we as a government have offered to assist in terms of discussions between the union and Falconbridge on ways

and means of alleviating some of the difficulty for the employees, Inco and the union. The committee is not meeting because of a joint request from both the company and the union. My understanding is they are working in this direction as well. Certainly we are more than prepared, as a government, to lend any assistance we can, and of course we hopefully will find some answers, or partial answers, through the committee.

I should point out the figure that we have been given is some 750. This is in addition to certain reductions that were made, I believe, this past fall.

Mr. Lewis: Five hundred.

Hon. B. Stephenson: It's 405

Mr. Lewis: Four hundred and eighty-four.

Hon. Mr. Davis: Four hundred and five is fairly close, or 434; it depends how you want to sort out those figures.

Mr. Martel: Wrong again, Bette.

Mr. Foulds: It's hard to sort it out.

Hon. Mr. Davis: Let's say about 434.

Mr. Lewis: It's 1,200 jobs, that's what it is.

Hon. Mr. Davis: Mr. Speaker, I should point out, just so there is an understanding—and I don't say it helps except in terms of those directly involved, I'm not talking about total employment in the Sudbury area—but of that initial cutback 126 involved employees took early retirement, so their positions were not altered that much. Sixty-nine, close to 70 were—

Mr. Lewis: The jobs are gone.

Mr. Foulds: They have disappeared.

Hon. Mr. Davis: Mr. Speaker, I'm not going to argue that the jobs, for a period of time, are not there.

Mr. Laughren: What do you mean by "a period of time"?

Hon. Mr. Davis: But I am concerned as well, as I'm sure the members opposite are, as to the effect on the individuals. That is what has been troubling me; I don't say more than the lack of jobs, but the two are somewhat related. I would like to point out that while I'm sure that the figure of 1,200 may be used—or 1,100 would be closer to being accurate—but of that number, 126 took early retirement; 74 employees—so you're now close to 200—were granted leaves of absence; some 69 to 70 left the company through attrition, they left in a normal course of events so that one can't say they were directly affected.

So while I'm not in any way minimizing the situation—

Mr. Lewis: Sure you are.

Mr. McClellan: You are.

Hon. Mr. Davis: —I think it is important to point out that some numbers of these people, at least in a personal way, will not be feeling the impact as directly as those who, come February—

Mr. Warner: You rationalize unemployment.

Mr. Laughren: So much for the community.

Mr. Warner: They need jobs.

Hon. Mr. Davis: Mr. Speaker, I know about the community. I know the problem it's going to create. I'm not coming here to say today that we have any solution.

Mr. Warner: Pretty crass.

Hon. Mr. Davis: We cannot produce markets for this product. There is no way the government of Ontario can go into the steel producing or whatever other business it would be—

Mr. Laughren: Thanks to Leo Bernier.

Hon. Mr. Davis: —that would require the use of that product. Some days I wish there were, but there isn't. I think it's a reality—

Mr. Lewis: You could have had a refinery.

Mr. Speaker: Order. The Premier now is responding to the interjections.

Hon. Mr. Davis: I will stop there and take supplementaries.

Mr. Speaker: Because the Premier's response was more in the nature of a general statement, rather than a specific response to a specific question I'm adding seven minutes to the question period.

Mr. S. Smith: Thank you, Mr. Speaker. Could I, by way of a supplementary question, ask two questions which probably could be dealt with briefly?

One is, did I understand the Premier to say there would be an expansion of the terms of reference of the select committee to deal with the Falconbridge matter? I believe I did, but I just wanted to be clear on that.

The main supplementary I want to ask is this. There seems to have been—and I'm no expert in this—a change in the world market—the Minister of Natural Resources (Mr. F. S. Miller) referred to it during the Inco debate—in favour of a less refined product. I notice, for instance, that Falconbridge, through a Dominican Republic subsidiary, is selling a class 2 nickel and has earned a profit of \$4 million in the first nine months of 1977, while the Canadian operation lost \$14 million.

In view of the fact there seems to be some market for the lower grade of nickel, does the government have any information about this apparent change in the world market? Does it have any policy with regard to

whether Ontario producers are to be, in some way, encouraged or permitted to compete in that market? Is it considered to be a good or bad thing for us to be competing in that market in the Premier's view?

Mr. Laughren: You had the answers before. How come you changed your mind, Stewart?

Hon. Mr. Davis: Mr. Speaker, I'm no expert in the field so I'll give the Leader of the Opposition my information—

Mr. Laughren: He's apologizing for his previous statements, that's what the Leader of the Opposition is doing.

Hon. Mr. Davis: —on the assumption that he will understand that I am not an expert. The answer to the first question—I thought I had said this—actually we were concerned about Falconbridge at the time the original terms of reference were introduced, but we felt it would not be advisable to add Falconbridge prior to some more definitive knowledge. I think in fairness to both companies, while one talks about management in the corporation you're still talking about individuals who, I sense, have a real degree of responsibility and sensitivity. There's no question that Falconbridge has, as has Inco, been working very hard to see if they can't sell more of their products. So there is no problem about adding Falconbridge to the terms of reference, none whatsoever.

With respect to the nickel industry here selling a different type of product, I believe it is true that the figures from the Dominican Republic in the first period of time appear to be somewhat better. But as I understand it in this instance—this is not necessarily true in the Inco situation—we're talking of somewhat different products and somewhat different uses.

I'm given the impression by both Inco and Falconbridge that, unlike some of the economic problems we face, there will be a demand for the kind of product they are presently producing. That demand will occur over a period of time and no one can state that period of time. It would be unfortunate if we were to go the route of trying to diminish, shall we say, the amount of refinement that takes place here in the expectation this might give us a better world market position. I think most people would tell you that that would not be the case. It might lead to a greater dislocation in the long run in the Sudbury Basin.

This is something that I'm sure the Leader of the Opposition, perhaps, has now sensed in some of his reconsideration of his former position. I would say I don't think that lessening the amount of refining or the quality

would solve the problem, that is not the impression that I have.

Mr. Lewis: May I make a suggestion to the Premier? Perhaps it's a little unorthodox in terms of his economics.

Since the total toll on the Sudbury community of the Falconbridge-Inco layoffs, plus the spinoff effects, is likely to be in the vicinity of 8,000 to 10,000 jobs lost by the end of 1978 and mid-1979, and since we have given such extraordinary concessions to Falconbridge to refine and process abroad—in Norway particularly, and it was extended again in 1975 over grave objection—and since Ontario has subsidized Falconbridge's profitable expansion all over the world from the Dominican Republic to southwest Africa, to Namibia, why is it not possible for this government to say to Falconbridge, part of a great multi-national under Superior Oil, it should now subsidize the Ontario operation from the profits it is making in the rest of the world to keep stability in that community?

[2:30]

Hon. Mr. Davis: I am not going to argue economics with the leader of the New Democratic Party, nor am I going to debate with him facts with which he may or may not be totally familiar. It's great to argue that telling Falconbridge it should no longer operate in Norway could solve or partially solve the problem.

Mr. Lewis: We didn't say that.

Hon. Mr. Davis: Of course the member's party has.

Mr. Lewis: We said to build the refinery in Ontario rather than expand the Norway operation.

Hon. Mr. Davis: No, he has said that the company should be out of Norway; refining here.

Interjections.

Mr. Lewis: We never said that.

Hon. Mr. Davis: I think what the select committee will find—

Mr. Lewis: On a point of privilege, Mr. Speaker, we have not advanced that position. We simply said the refinery should be built in Ontario rather than expanding the Norwegian operation. That was surely fair.

Hon. Mr. Davis: It's in their press statement today. They are also reducing their operations in Norway.

Mr. Lewis: The way Inco is reducing in Indonesia.

Hon. Mr. Davis: It's there. It's a matter of record and the leader of the New Democratic

Party can check this out, but it happens to be a fact. I should also point out that while initially Falconbridge had a capital investment in the Dominican Republic, the fact of the matter is it no longer has that capital investment. I am going by memory only, but I think it was around \$17 million and that has been taken out by a consortium, I believe, of some banks. I don't know who else is involved, but Falconbridge itself does not have that capital investment. As I have pointed out, and I am not here to defend Falconbridge, what I am interested in—

Interjections.

Hon. Mr. Davis: Well that's fine; members opposite can feel that way if they want.

Mr. Speaker: Just ignore the interjections.

Hon. Mr. Davis: You are quite right, Mr. Speaker. I would make it clear, because they do have a serious problem, as does Inco, I am interested in seeing that the laws of this province and the policies of this province enable us to maintain a healthy nickel industry. I think that requires very careful consideration by all members of this House of all political persuasions. I don't know that it's going to be solved by some of the rhetoric and some of the statements that have been made.

Mr. Lewis: We have been begging the government for years—

Hon. Mr. Davis: I would say, with respect, the solution would not have been to say to Falconbridge no work in the Dominican Republic, close it down; or no expansion in Norway.

Mr. Lewis: We are not saying that.

Mr. Foulds: There is no way. The Premier's rhetoric is very destructive.

Hon. Mr. Davis: What I am saying is that unlike some problems we have, and Inco in particular, and I think Falconbridge would agree—it is not because they cannot compete competitively in the world marketplace, I don't know how many times I need to restate that, the problems in the Sudbury basin really are fundamentally those of a limited market at this moment for the purchase of nickel. If that were not the case, obviously, we would not be debating this particular concern. I can't emphasize that too strongly.

I wish I had some simple or pat answer, but there is nothing this government can do with respect to the nickel problem that faces the total world economy. It is not something that is within our control here in the province of Ontario.

Mr. Roy: It is obvious the Premier doesn't have a pat answer.

Mr. Laughren: Supplementary: In view of this layoff, coming on top of the Inco layoff, is the Premier now prepared to revise his rather dismal response to the Sudbury committee, which asked that he intervene in order to create more jobs in the Sudbury basin?

Hon. Mr. Davis: I realize the member for the area would say it was a limited response.

Mr. Warner: "Dismal" was the word.

Hon. B. Stephenson: That just matches the personality of the member for Scarborough-Ellesmere.

Hon. Mr. Davis: A dismal response. I must say those who presented the material to us—and I didn't bring those letters in with me—thought it was more than a dismal response, but then they perhaps have a somewhat different perspective.

As I said to the committee which met with us, we would be quite prepared to discuss and explore the matter with them. We are supporting the task force concept they suggested. We are quite prepared to explore with them any constructive idea that will alleviate the problem. For the hon. member to say it was a dismal response is hardly accurate or hardly fair.

Mr. Kerrio: Mr. Speaker, how might the Premier address himself to maintaining the purchasing of nickel by Atlas Steel in Welland as it relates to the problem that exists in Sudbury, in view of the fact that they are talking about a steel mill in Cuba that will use that nickel?

Hon. Mr. Davis: The hon. member did mention the other day his concern about the development of a steel mill in Cuba. I am not sure how that relates to the capacity of Inco, or Falconbridge, to sell to Atlas. I would assume, obviously, there is no shortage. If the hon. member is suggesting that Atlas is having trouble getting nickel, I know where they can get some. I will continue to explore the concern he expressed to me, that I gather his counterpart in Ottawa has expressed to Mr. Chretien. I will continue to explore that.

Mr. Speaker: The hon. Leader of the Opposition with his second question.

Mr. Martel: Mr. Speaker, on a point of order—

Mr. Speaker: There is nothing out of order. If you have watched the clock, we have used 30 minutes on one question. Not denying that this is an important matter; but it has been before the House on at least six different occasions over the past two months. The Premier has gone on at quite some length, giving an overview of what the government

is prepared to do and not prepared to do. I suggest that we are not going to get any place. I think that in order to share the question period more fairly, there are more things in the province of Ontario than Falconbridge. The hon. Leader of the Opposition with his second question.

Mr. Martel: Mr. Speaker, there have been two supplementaries to this rather important question.

Mr. Speaker: There have been four supplementaries.

Mr. Yakabuski: Remove him.

Mr. Speaker: Well all right, it's your question period. The hon. member for Sudbury East.

Mr. Martel: Thank you, Mr. Speaker. In discussing the financial difficulties of the company, did the Premier manage to discuss with them that they had blown \$100 million on a plant in Sudbury, the nickel-iron refinery plant, which never went into production? They blew another \$20 million on the Lockerby Mine, which is far in excess of the ore body that is there for the mine structure? Another \$3 million—

Mr. Speaker: I thought the member wanted to ask a question.

Mr. Martel: I am asking a question.

Mr. Speaker: You're not asking a question.

Mr. Martel: I have to put the background to it.

Mr. Speaker: You are not asking a question. Somebody with your academic background should be better prepared to ask a question.

Mr. Martel: I'd like to know, Mr. Speaker, how someone asks the Premier if he discussed the following items, without giving the items?

Finally, did the Premier discuss the \$2 million they spent on the Onex shaft, which has never worked? That's a total of \$125 million they blew in the last five years, and now the Sudbury community must suffer. Has the Premier discussed that with them?

Hon. Mr. Kerr: Second-guessing.

Mr. Lewis: It is called bad corporate management, which we are paying for.

Mr. McClellan: And you're apologizing for it.

Hon. Mr. Davis: I am sure that's something that the hon. member may wish to raise, perhaps in more moderate tones, during the discussions with the select committee.

Mr. Laughren: Never mind trying to weasel out of it.

Mr. Sargent: Would you be showing so much moderation if it had happened in Brampton?

Hon. Mr. Davis: Well I'm a great believer in moderation, I should say to the member for Grey-Bruce, in all things; peace.

Mr. Mackenzie: You think it is a joke, don't you?

Hon. Mr. Davis: I am a little familiar with the final two items the hon. member mentioned. I did not explore them in depth with the chairman of Falconbridge. I didn't know what useful purpose that would serve. I think it is common knowledge that the first item he raised, where the company in its wisdom—and you can question that wisdom—

Mr. Foulds: We're going to.

Hon. Mr. Davis: —it's always easy to second-guess—thought they were making an appropriate investment. The fact that it did not turn out as they had anticipated, or as others had anticipated or hoped, I am sure the people at Falconbridge would be quite prepared to acknowledge—

Mr. MacDonald: Like Minaki Lodge, bad guess.

Hon. Mr. Davis: —but that is not going to solve the problem.

Mr. Martel: Oh, but that's why they are in financial trouble today.

Hon. Mr. Davis: It's like a household, you go and buy a house.

Mr. Speaker: Order.

Mr. Martel: We don't buy it.

Hon. Mr. Kerr: I know, you rent.

Mr. Martel: I am not like some of you fellows over there.

Mr. Speaker: Order.

MERCURY POLLUTION

Mr. S. Smith: Could the Minister of the Environment tell the House exactly what it is that is referred to in this article in the *Globe and Mail* regarding mercury measurements and other pathological studies done allegedly on brains and other tissues of certain deceased persons, including perhaps babies, or a baby or a child, and possibly a fetus? Could he in fact tell us about the study done by one Dr. L. Smith—no relation, I assure you, Mr. Speaker—and tell us about the so-called numbered reports in his ministry, submitted by that particular Dr. L. Smith? Will he make these reports public, table them in the Legislature, and let us draw our own conclusions about the mathematics and everything else that might be involved therein?

Hon. Mr. Kerr: Mr. Speaker, my information is that there was a study under the

direction of Dr. Smith involving about 22 northern Ontario residents who had died in 1976. Eleven were from Grassy Narrows or Whitedog. Eleven were from the surrounding communities. Tissue samples were taken at autopsy from the liver, kidney, hair and brain and were analysed for mercury. Tissue samples from the brain were examined grossly and microscopically.

This study really started with the Ministry of Health, and then when that ministry's occupational health and safety division was transferred to the Ministry of Labour, that group conducted this study under the direction of Dr. Smith. The people involved were from at least three ministries.

It is my information that the report has not been completed and it is my information that contrary to the article in this morning's paper, it doesn't involve two studies or two reports. There has been the study I have referred to and the report of that study is being compiled at this time. It is expected to be issued by the end of this year. Certainly when that report is available it can be tabled in the Legislature.

Mr. S. Smith: Supplementary: Given that one of the reasons the claim has been made that there have been no proven cases of mercury poisoning on the reserves is the fact that some of the pathological damage is similar to that caused by alcohol toxicity, and given the fact that we have now been waiting to have results on children, who obviously could not be accused of being habitual imbibers of alcohol, isn't it absolutely vital that if there is any knowledge in the possession of this ministry indicating mercury toxicity in the brains or other tissues of some children on these reserves, that the minister announce it to this House immediately, because that would in fact be pretty well conclusive proof of methyl mercury poisoning on those reserves, a very fundamental matter indeed? If the minister has that proof, why doesn't he present it to us here? Why are we having to wait for a full report to be compiled, rather than being given the evidence that, according to this article, apparently has been circulating in this ministry?

Hon. Mr. Kerr: If the hon. member will read this carefully, the question really should have been directed to the Minister of Labour.

Mr. Wildman: We wanted an answer, George.

Hon. Mr. Kerr: Just one of the people on this study group was from my ministry. Apparently the so-called informant of the reporter, who is within my ministry, is indicating there are two studies—

Mr. Lewis: That's right.

Hon. Mr. Kerr: —or that there is an existing report—

Hon. B. Stephenson: But there are not.

Hon. Mr. Kerr: —that has somehow been kept secret.

Mr. Lewis: The informant is—be careful.

Hon. B. Stephenson: There is only one study.

Hon. Mr. Kerr: I have asked for a report from my ministry to find out if there are two studies or if there is an existing report, or if there is information about a child whose brain has in some way been analyzed; and I have asked that that information be made available to me so that it can be made public.

[2:45]

Mr. S. Smith: By way of a final supplementary, and maybe I should more properly direct this to the Minister of Labour: I don't know if you accept that, Mr. Speaker. Is it not a fact that a Dr. May said that the first report that came out apparently had some problems with the mathematics, that it is not a final report? Given the importance of this, why can't we see the the first report and make up our own minds about this?

Hon. Mr. Kerr: Is the hon. member directing that to the Minister of Labour?

Mr. Speaker: No. He can't transfer from one minister to the other.

Hon. Mr. Kerr: I will redirect it.

Hon. B. Stephenson: Mr. Speaker, may I respond to that?

Mr. Speaker: Briefly.

Hon. B. Stephenson: Mr. Speaker, there is one study only, there is no report. There have been two drafts of the report to this date.

Mr. S. Smith: Can I see the drafts?

Hon. B. Stephenson: I haven't seen them yet.

Mr. Martel: They've been put through the shredder.

Hon. B. Stephenson: The drafts are being circulated amongst the three peer scientists who are involved in the study. There is one statement I can make which will, I think, alleviate the concern of the hon. Leader of the Opposition, and that is on the pathological examination that was carried out on one infant. The three-month old child was reported to have died of SDS or sudden death syndrome. Neither the chemical tests, nor the brain pathology are in any way suggestive of mercury poisoning.

Mr. Lewis: We really have taken a lot of the question period, but let me come back to the minister on this, because I want to pursue it.

How do we explain Dr. Rodney May's incredible vacillations when asked direct questions about these studies? How is it that he, as the senior person in the ministry involved, admits to the legitimacy of an original piece of work, and talks about having heard about it and a second piece of work? How are we to reconcile that when it comes from the assistant deputy minister?

Hon. B. Stephenson: Mr. Speaker, Dr. Rodney May, was referring to the drafts of the reports. There has only been one study. This has been carried out by an official, one of the scientists in the Ministry of the Environment, a Dr. Lesbia Smith, originally within the Ministry of Health and now with the Ministry of Labour—

Mr. Lewis: Leaving for sabbatical today.

Hon. B. Stephenson: —and a consultant neuro-pathologist at the University of Toronto, Mr. Speaker, as with most scientific papers the information and the statistical data which has been amassed cannot in any way be changed. What has been done is that drafts of the paper have been produced and they have been circulated amongst the three co-authors of the paper. They have provided their input into the writing of the paper and have redrafted it. The final draft will, I think, be available at the end of December and will be very widely published.

But I can tell you right now, if you like Mr. Speaker, that I do have some preliminary results which I should be very glad to divulge to this House at this time.

Mr. Lewis: Well, go ahead.

Mr. S. Smith: Please table them.

Hon. B. Stephenson: I really would have to tell the member that there are no numbered copies of the draft either. That is a fact, because I have looked for them and they are not there; and there is no shredding machine in the occupational health protection branch.

Mr. Martel: The minister borrowed Sidney Handleman's.

Hon. B. Stephenson: In the 22 cases that have been studied, there is not one which shows either chemical or histological evidence of mercury poisoning. The tissues have been examined, not only within our own laboratory for the chemistry, but they have also been examined, as I said, by a consultant neuro-pathologist, one who is

very familiar with the kinds of changes which occurred in the acute mercury poisoning of victims in both Japan and Iraq.

No results have been published at this time because, indeed, the paper is not finalized; it will be finalized by the end of this month and then it will be published for all to see.

Mr. Lewis: One quick supplementary, if I may, Mr. Speaker: Since these drafts have been widely circulated.

Hon. B. Stephenson: They have not been circulated widely.

Mr. Lewis: Since these drafts have been seen by senior civil servants of other ministries, is the minister prepared to table the drafts in this Legislature?

Hon. B. Stephenson: Mr. Speaker, I am not at all sure that the statement by the hon. leader of the third party is correct. I am aware that the drafts have been examined by the three authors of the paper.

Mr. Lewis: Who did the drafts?

Hon. B. Stephenson: The author of the paper did the drafts and circulated them; Dr. Smith circulated them amongst the other two. That is the only copy; there obviously was one copy at least. There are no numbered copies. I have not seen it. As soon as the paper is made available to me, I will be very happy to provide it to you.

Mr. Laughren: Are you approving someone to take Dr. May's place?

Hon. B. Stephenson: No, I am not.

Mr. Laughren: Well, you should.

Hon. B. Stephenson: I should not.

Mr. Lewis: You should. You've got problems in your occupational health branch.

POLICE ACCESS TO OHIP DATA

Mr. Lewis: A question of the Minister of Health: Since the minister's statement today on the Krever commission seems to preclude an investigation and a potential finding of fault on the extraordinary kind of police pressure to acquire confidential hospital records that was outlined, for example in the *Globe* today, what is he going to do within his ministry to initiate such an investigation?

Hon. Mr. Timbrell: I wouldn't accept that the terms of reference exclude anything. Basically they are very broad and allow Mr. Justice Krever to investigate whatever he deems necessary to fulfil his role. So I would think he will look at the way in

which hospital medical librarians deal with the serving of subpoenas or search warrants.

I was very pleased today to receive from the Canadian Health Records Association an indication that they are very anxious to work with Mr. Justice Krever and to assist with the inquiry. This association represents the more than 2,500 medical librarians in Canada. Given that indication, I really can't accept that the terms do exclude that.

Mr. Speaker: The hon. Minister of Health has the answer to five questions previously asked; we will hear two of them.

CONFIDENTIALITY OF HEALTH RECORDS

Hon. Mr. Timbrell: I will be slow. This is germane to what I have just been discussing anyway.

On December 5, the Leader of the Opposition (Mr. S. Smith) raised a query about the nature and frequency of police use of search warrants to remove patient files from public and psychiatric hospitals. This was followed by a question about the nature of the information required to issue such a warrant.

When a police officer arrives at a public hospital, or a psychiatric hospital with a search warrant, the hospital is, of course, required to deliver to the officer the material ordered in that warrant by a justice of the peace or a judge. Whether it be a civil or criminal case, the fact remains that once a justice of the peace or a judge is convinced that it is in the interest of justice to issue a subpoena or a warrant, we would be obstructing justice to challenge it.

Normal procedure with search warrants has been to give a copy of the file to the police officer, or the original if he insists, and to keep the original or the copy on file at the hospital. The warrant is attached to that file.

While it would take months to search all the files of public and psychiatric hospitals to determine the frequency of this practice since 1970, we checked with 12 public hospitals in all parts of the province: four of them reported zero; five others reported fewer than six; and three others reported nine, 14 and about 20 respectively, over the seven-year period. This broad sample would seem to indicate that the production of search warrants in hospitals is very infrequent.

Three of our psychiatric hospitals have kept logs, and the results of a check of these logs are as follows.

Queen Street Mental Health Centre reports two search warrants since 1970. St. Thomas Psychiatric Hospital reports none since 1976, when they began to keep their log. Whitby Psychiatric Hospital reports five since 1970. As the member can see, we are unable at this moment to provide the total for the province, but it can easily be seen that it is not a frequent occurrence.

To get this information for the other eight psychiatric hospitals would be a monumental task, but I can assure you that logs will be kept by all hospitals in the future. I will be asking public hospitals with psychiatric units to maintain similar logs.

As I mentioned last week, we will shortly be undertaking, with the co-operation of the Ontario Hospital Association, a survey of security measures in force in public hospitals across Ontario. We will include a request for this information in the survey, and the results will be given to the Hon. Mr. Justice Krever to assist him in his inquiry.

In response to the second question, neither a search warrant nor a subpoena states why it is issued. So hospitals do not know why the police are soliciting this information or the nature of the information required to issue a search warrant.

The same day, the member for Scarborough West (Mr. Lewis) asked if I was aware of warrants issued for purposes other than criminal proceedings and what other reasons have been given to require the production of such records. Again, it would take some time to review all the warrants issued since 1970 to answer this question. Legal staff have advised me that search warrants are used to gain records from public hospitals or psychiatric facilities only pursuant to criminal proceedings.

On November 29, 1977, the member for Wentworth (Mr. Deans) asked how the record of a subpoena could be kept in a file in the hospital if the police had removed the file. A record of the subpoenas received by the hospital has been kept but I think the member might be more interested in files removed as a result of the issuance of search warrants.

A search warrant may require the removal of a file from the hospital but subpoenas are issued for people who bring records to court and who return them to the hospital afterwards. Normal procedure with search warrants has been to give a copy of the file to the police officer and to keep the original. The warrant is attached to that original file at the psychiatric facility. If the officer insists on the original file, a copy is kept with the warrant.

The member's second question was, and I quote: "Will the minister then order an investigation into all of the files removed from the Hamilton Psychiatric Hospital during 1970 to 1971 to determine whether or not there were, in fact, subpoenas presented that are now on file?"

Yes, the subpoenas presented are on file. My staff has checked with the hospital and found that in the year 1970, five subpoenas were received and, in 1971, seven subpoenas were received. However, as I mentioned, police do not remove files from the facility pursuant to a subpoena. Since no log was kept on search warrants received, I have asked the staff at Hamilton Psychiatric Hospital to search their records for the years 1970 and 1971 and upon receipt of this information I will report it to the House or to the member if the House is not in session.

The third question asked was for further investigation with the staff then at the hospital as to how the original file of a patient could be removed—

Mr. Roy: On a point of order, there were just two questions. The minister just now said, "The third question asked."

Hon. Mr. Timbrell: The third part of his question on that day—let me put it that way—asked for further investigation with the staff then at the hospital as to how the original file of a patient could be removed and never returned. This question cannot be answered specifically unless we know the name of the patient.

If the hon. member is suggesting the entire file has disappeared, I would ask then that he provide me with the name on a confidential basis so we can check it against admission records. In this fashion we will be able to pursue the matter specifically rather than theoretically.

Mr. Deans: A brief supplementary: Did you check with the present administrator of the Hamilton Psychiatric Hospital to inquire of him whether he had any cause during the years 1974, 1975 or 1976 to request of the RCMP that they return a file which had been removed?

Hon. Mr. Timbrell: Mr. Speaker, the hon. member asked us to check 1970 and 1971. It so happens that the then administrator of Hamilton Psychiatric in 1970 and 1971 is now a senior official in the institutional branch of the division. So through him we were able to, and with the assistance of the present administrator, Mr. Morin, get the information here today.

What I need from the member in order to pursue it properly and run it straight to the

ground is a name. Then I can check that against admission records to see whether, in fact, the file did disappear.

Mr. Deans: Okay.

OMBUDSMAN'S OFFICE

Mr. Yakabuski: I have a question of the Minister of Correctional Services. In view of the fact that all members of this House, I am sure, and the taxpaying public were jubilant to hear the statement made by the minister with regard to the Ombudsman's office saving the taxpayers \$10 million in his ministry, are we correct in assuming that the budget of that ministry has been slashed by \$10 million for each year in which the Ombudsman's office has been in operation?

Mr. Breithaupt: He is a friend of yours.

Mr. Swart: With friends like that—

Mr. Speaker: Order. I am sure that all members would wish to hear this answer.

Mr. Warner: The price is going down if you want to sit over here.

Hon. Mr. Drea: Mr. Speaker, what I spoke about in my estimates yesterday morning—

Mr. Deans: What a lot of nonsense.

Hon. Mr. Drea: Your party seemed to like it.

[3:00]

Mr. Deans: I thought it was nonsense.

Hon. Mr. Drea: What I spoke about was in the context of the role of the Ombudsman. I want the Legislature to remember I did not invent the Ombudsman. He is the creature of the Legislature. The members set it up. They set up the whole system. They appointed the Ombudsman.

Mr. Samis: The minister voted for it.

Hon. Mr. Drea: Now the system is in place, bearing in mind that I have umbrella federal legislation controlling me under the Penitentiaries Act, where there is specifically a federal ombudsperson, even though there is no general federal ombudsman, I pointed out very clearly, that mine was a ministry not like other ministries and I cautioned at that time not to make comparisons.

The direct answer to the question is that that money has been saved. If the Legislature wants to take away the Office of the Ombudsman tomorrow then I'm going to come in for supplementary estimates for 420 additional correctional officers.

Interjections.

Hon. Mr. Drea: That represents 10 per cent of my strength across the province. I will document in supplementary estimates what

it costs me, as the minister, and my staff to reply to one inmate's letter. If the Legislature chooses to abolish the Office of the Ombudsman—and I think this is the question that has been asked—it will not be reflected in a \$10-million saving in my present budget nor the one for next year. It will be an additional cost.

Mr. Breithaupt: The minister didn't save anything.

PROVINCIAL COURT JUDGE

Mr. Bradley: My question is for the Attorney General. Is the minister aware of the substantial backlog of cases facing the provincial court in the judicial district of Niagara North? If so, is he prepared to announce the appointment of a new provincial judge in the immediate future to alleviate this situation, which has existed probably for about the last six months since the untimely passing of Judge Hallett?

Hon. Mr. McMurtry: I expect to make an announcement of the new provincial court judge within the next 24 hours.

ATLAS STEEL

Mr. Mackenzie: To the Ministry of Industry and Tourism: In view of the almost daily litany of plant cutbacks and closures and the concern it causes workers, has the minister a response to my question of November 28, concerning the makeup of the Canadian consortium that recommended the development of a nickel-bearing, stainless steel rolling mill in Cuba and suggested federal assistance through CDC? What representations if any has this government made to prevent this move without guarantees to the workers at Atlas in Tracy, Quebec and the taxpayers' dollars?

Hon. Mr. Bennett: I was of the understanding we had already supplied the answer in written form to the member but I shall check it out further. We have had contacts with the federal government in relationship to the questions and I believe it is all encompassed in the answer to the member.

RECYCLING OF PAMPHLETS

Mr. Roy: I have a question for the Minister of Education. It pertains to what I consider to be asinine actions on the part of the Ministry of Education in the province of Quebec pertaining to the pamphlets our ministry sent down there which they have recycled into cardboard boxes.

Mr. Reid: They do that with the minister's speeches.

Mr. Roy: Would the minister advise the House if he was aware that this material, which I reviewed, and there is nothing subversive about this material, would not be distributed in the schools of the province of Quebec? Secondly, has he made any attempts to distribute this literature, which after all is just an exchange of ideas, to the schools directly without going through the Ministry of Education?

Finally, has he expressed to the minister involved his displeasure and certainly the displeasure of all the members of the House about the fact that there appears to be an attempt on the part of the government of Quebec—at least the Ministry of Education—to distribute matters in the schools that only follow the party line?

Hon. Mr. Wells: Mr. Speaker, I was not aware that the pamphlets would not be distributed when we printed them. After they had been shipped to the Province of Quebec I was made aware by the minister and some of his staff that they would not be used in the province and the reasons for their non-use were made clear to me.

Subsequent to that, we agreed to meet to work out a program that would be acceptable. As I was quoted in the newspaper clippings, what really matters to me is not the wording on the pamphlet but that we have a school twinning program between the province of Quebec and the province of Ontario, and the benefits that will accrue to both provinces and the children of those provinces.

Mr. Reid: Nobody knows about it.

Hon. Mr. Wells: I'm fully convinced, whether we like it or not, that to have an effective program in Quebec we have to have the support of the Ministry of Education in that province at this particular time.

As my friend knows, the principals and teachers in the schools are probably more separatist than a lot of the members of the Party Quebecois, who form the government.

Mr. Roy: Sure they are.

Hon. Mr. Wells: Therefore, we have to have a program that reaches the kids and sets up a person to person relationship between the students in the schools in Quebec and students in Ontario. We have to have the kind of program that will allow for interchange, exchange of letters, and so forth, so students can get to know one another and the thoughts and feelings they share will not be filtered through their teachers in the schools. That, I think, we can achieve.

We are presently working on another arrangement under the aegis of the Ontario-Quebec permanent commission, which is a

group that has been in operation for quite a number of years. We're presently working on a school twinning program that we hope will be acceptable both to the Ministry of Education in the province of Quebec and to us. I believe that as it unfolds we'll be able to achieve the aims of Project Canada.

Mr. Roy: Could I ask one quick supplementary on this, Mr. Speaker?

Mr. Speaker: A very brief one. The member's original was a four-part question.

Mr. Roy: I appreciate that but I was very patient during some of those long-winded answers from across the way this afternoon. I'm not saying the minister's was. He had some predecessors who took a bit of time.

I want to ask the minister, did they make an offer to return these pamphlets to him prior to deciding to recycle them? Again, I want to re-emphasize, does he not disapprove of the fact that there appears to be some effort on the part of the Ministry of Education in the province of Quebec to impose only material on the schools that toes the party line, something that would be totally unacceptable in this province?

Mr. Foulds: Do you want to bet?

Hon. Mr. Wells: I will answer the member's last question. Of course it would be unacceptable in this province and we wouldn't attempt to impose upon the schools only material and information that toes the party line.

Mr. Roy: The government tried it.

Mr. Foulds: We are just more sophisticated about it.

Hon. Mr. Rhodes: Even in the classroom.

Hon. Mr. Wells: My friend from Port Arthur would know that, he's been around teachers' rooms in schools as I have, and if you see the material there you would know it certainly doesn't praise our party line.

I don't know whether we were asked if we wanted the pamphlets returned or not. I suspect that if the pamphlets were not going to be used we didn't have any use for them in this province and probably—

Mr. Roy: They could use them in this province. The Franco-Ontarians could use them.

Hon. Mr. Wells: The pamphlets are available for this province in a bilingual version. You have the French only version?

Mr. Roy: Yes.

Hon. Mr. Wells: That we provide a French only version rather than a bilingual version was, again, a special request of the province of Quebec. We have a bilingual version available for the province. We didn't need those others, so we wouldn't want them back if we're not going to use them.

Mr. Samis: Can the minister assure us that this particular problem won't jeopardize the future of the twinning program in general?

Hon. Mr. Wells: I indicated, a few minutes ago, that a new proposal through the Ontario-Quebec joint commission is being worked on and I am hopeful that it will go ahead within the next few weeks or so.

I want to make it clear that in my discussions with the Quebec Minister of Education they were not opposed to a school twinning program, it was some of the wording and the reasons for the program in the pamphlet that bothered them.

Mr. Roy: You said it was political. There is nothing political in this.

Hon. Mr. Wells: They agree, I think as we agree, and they're quite happy to have a school twinning program. It's my belief that we can only have an effective one that involves the majority of the schools in the province of Quebec with the support of the Ministry of Education in that province.

SOCIAL ASSISTANCE RATES

Mr. McClellan: I have a question for the Minister of Community and Social Services with respect to social assistance rates. Given that the rates were last raised in April; and given that social assistance recipients were given an eight per cent increase to cover the period May 1975 to April 1977 during which time the consumer price index rose 15.5 per cent; and given that in the last six months since April 1977 the consumer price index has risen an additional 4.5 per cent, may I ask the minister whether he intends to raise social assistance rates in Ontario to restore this lost purchasing power and when he intends to raise them?

Hon. Mr. Norton: Mr. Speaker, I believe that although the announcement occurred in April the actual rate increase occurred at the end of June or July 1, depending upon which program the member is referring to, but granting that there has been a time lapse since—

Mr. Foulds: Yes, before the election and after the election.

Hon. Mr. Norton: —in specific response to the hon. member's question at this point

I have no specific plans or no specific provisions within the budget allocation for this year for a further increase.

On the question of whether or not there will be an increase, I can assure the hon. member it is something which is constantly under review and of continuing concern to me.

Mr. Speaker: The time for oral questions has expired.

Petitions.

Mr. Reid: On a point of order, before the orders of the day, Mr. Speaker.

Before I put my point of order, I would like to draw to your attention that an old friend and colleague of ours is in the gallery, the Hon. Donald Irvine. It is nice to see him back. We haven't forgotten you, Don.

Mr. Speaker: Along with the former member for Simcoe Centre.

MARKING STANDARDS

Mr. Reid: You are better at looking into dark corners than I am, Mr. Speaker.

My point of order relates to the question I put to the Minister of Education on December 6 concerning an article that had appeared in the *Globe and Mail*. In the minister's answer he referred to the Interface study and indicated to the House that the Interface study minimized the difference in marking standards in the various schools across the province. I would like to quote from the Interface study to indicate that what the minister told us was not what the Interface study said and that, inadvertently perhaps, the minister misled the House.

In that regard I quote from page 74:

"On the other hand, the degree to which secondary schools vary in the marks they award for comparable performance is substantial enough to affect whether or not a student is accepted into a post-secondary institution, if that institution admits students on a competitive basis and does not control for marking standard variation when considering candidates from a variety of schools."

As well, on page 25—and I won't quote the whole part—the Interface study also suggests that there is a very serious question about the marking standards: "Nevertheless post-secondary educators, like those secondary school teachers who indicate the desire for external evaluation to determine the student proficiency in compulsory subjects, most often select an external method in combination with an evaluation by teachers," underlining the fact they feel that there is some problem with the marking standards in the schools.

Hon. Mr. Wells: Mr. Speaker, I don't know what point my friend arose on, but I think if he reads my—

Mr. Speaker: He called it a point of order. It escaped me.

Hon. Mr. Wells: It escaped me also, because I think that he's trying to justify one position. I think if he reads my statement, what I said in fact summarized briefly what the Interface said about grade 13 marks. You really have to read several chapters and paragraphs to get the whole thought of the feeling. You can't pull out little sentences.

Mr. Foulds: You have to read all four parts of the report.
[3:15]

Mr. Speaker: The hon. member for Rainy River has accused the minister of misleading the House. There is a difference of opinion here, quite obviously, but I wish you would withdraw that.

Mr. Reid: I would be glad to. I meant in my earlier remarks that he had done so inadvertently, but I will withdraw the remark and say that perhaps out of misunderstanding and ignorance we had a difference of opinion.

PETITIONS

PROVINCIAL CIVIL SERVANTS

Mr. G. E. Smith: I would like to table a petition signed by approximately 633 provincial civil servants in my area calling for the adoption of a full employment program.

CHILDREN WITH LEARNING DISABILITIES

Ms. Gigantes: I am sending a petition with 11,232 signatures to the Minister of Education. It is a petition sponsored by the Ontario Association for Children with Learning Disabilities in favour of mandatory special education in Ontario.

Hon. Mr. Wells: On a point of order—I don't know whether this is a legitimate point of order—I would like the House to record that this petition has already been presented and was received by myself on behalf of the Premier (Mr. Davis) two days ago.

REPORTS

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bills with certain amendments:

Bill Pr11, An Act respecting the City of Windsor.

Bill Pr27, An Act respecting the City of Windsor.

STANDING RESOURCES DEVELOPMENT COMMITTEE

Mr. Havrot from the standing resources development committee reported the following resolution:

Resolved that supply in the following amounts and to defray the expenses of the Ministry of the Environment be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of the Environment	
Ministry administration program \$	6,477,000
Environmental assessment and planning program	16,044,000
Environmental control program	236,799,000
Resource recovery program	8,108,000

Resolved that supply in the following supplementary amount and to defray the expenses of the Ministry of the Environment be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of the Environment	
Environmental assessment and planning program	\$1,670,000

STANDING SOCIAL DEVELOPMENT COMMITTEE

In the absence of Mr. Villeneuve, Mr. Elgie from the standing social development committee reported the following resolutions:

Resolved that supply in the following amounts and to defray the expenses of the Ministry of Culture and Recreation be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of Culture and Recreation	
Ministry administration program \$	5,048,000
Heritage conservation program ..	15,833,000
Arts support program	28,035,000
Multicultural support and citizenship program	6,327,000
Libraries and community information program	39,682,000
Sports and fitness program	11,785,000
Ministry capital support program	23,278,000
Wintario program	36,000,000

Resolved, that supply in the following supplementary amount and to defray the expenses of the Ministry of Culture and Recrea-

tion be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of Culture and Recreation
Wintario program \$29,000,000

MOTION

NORTHERN AFFAIRS ESTIMATES

Hon. Mr. Welch moved that the estimates of the Ministry of Northern Affairs be withdrawn from the standing resources development committee and referred to the standing social development committee.

Motion agreed to.

INTRODUCTION OF BILLS

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 120 An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

Hon. Mr. McKeough: Mr. Speaker, as a result of discussions between the Metropolitan Toronto Zoological Society and the municipality of Metropolitan Toronto, the government has been requested to amend the Municipality of Metropolitan Toronto Act concerning the management of the Metropolitan Toronto Zoo. The amendment I am now introducing is intended to give legislative authority to the new arrangements that have been worked out between the zoological society and the Metropolitan council.

FAMILY DAY ACT

Mr. Williams moved first reading of Bill 121, An Act respecting Family Day.

Motion agreed to.

Mr. Conway: Motherhood and apple pie.

Mr. Williams: Mr. Speaker, the purpose of this bill is to provide for a public holiday known as Family Day.

Mr. Foulds: I thought that was Sunday.

Mr. Williams: Family Day is established as a day to celebrate the institution of the family and will be held on a day to be named by the Lieutenant Governor.

Mr. Kerrio: Simcoe Day.

CITY OF THUNDER BAY ACT

Mr. Hennessy moved first reading of Bill Pr36, An Act respecting the City of Thunder Bay.

Motion agreed to.

BOROUGH OF SCARBOROUGH ACT

Mr. McCaffrey moved first reading of Bill Pr38, An Act respecting the Borough of Motion agreed to.

LOUBILL HOBBIES AND SPORTS LIMITED ACT

Mr. Mackenzie moved first reading of Bill Pr37, An Act respecting Loubill Hobbies and Sports Limited.

Motion agreed to.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 46, 49 and 51; and the interim answer to question 52 standing on the notice paper. (See appendix, page 2778.)

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

SPECIAL EDUCATION PROGRAMS ACT

Ms. Gigantes moved second reading of Bill 109, An Act respecting Special Education Programs.

Ms. Gigantes: I rise in support of Bill 109, An Act respecting Special Education Programs. Simply put, the purpose of the bill is to require the school boards of Ontario to provide adequate educational services for all children of Ontario. The bill speaks specifically of those children who are not now receiving adequate educational services: the child who is chronically physically disabled; who is deaf, blind, autistic or mentally handicapped; who suffers from a learning disability; or is exceptionally gifted.

Mr. Speaker, every member in this House knows some of these children. Every member in this House has come across heart-rending cases of children who are having learning difficulties for any one of a multitude of reasons and who have not had access to the kinds of special education help they need. Every member of this House has experienced a sense of shame that such children have been ignored all too frequently in our education system, that they have been frustrated and traumatized by their experience, and that their families have been forced to a bitter choice between angry confrontation with the education system or a sense of resigned guilt.

The time has come for us to end this miserable pattern. This is 1977 and we in this province are ready to accept that children do not fall into only two categories,

normal and abnormal. We recognize children are individuals and that the education system must reflect our determination that little individuals get the kind of learning help they need from that system.

I have a close friend who adopted a child a few years back. Mark was a bright, attractive baby and the darling of his parents' eyes, but by the time he was a year and a half old it was becoming clear that he was having more difficulty than most children of that age in responding to his parents' communications. His speech was not keen in forming particular words.

After much testing his parents were finally told that Mark has a severe hearing problem. The whole family swung into action, taking courses and informing themselves about all that medical science can offer the hearing handicapped. Mark and his mother enrolled in special private training sessions and Mark was equipped with the best kind of modern hearing aid machinery.

After three years of this kind of special help Mark was ready for kindergarten and there the new battle began. The education system was not prepared to allow Mark to enter a regular kindergarten. Mark, it seemed, was allowed to go to school but only to a school for the deaf.

So the battle lines were drawn, and it was an extra, hard battle my friend had to fight. She is an intelligent, well-educated person, and very determined on top of that, so she won. But they have to move now and she will probably have to go through the same fight with a different school board right from the start. Don't get me wrong. I am not suggesting that school boards are made up of stolid, insensitive people. They are just ordinary, mortal politicians like the rest of us. They hear the expressions of need from the people they represent, they pay attention to those requests and then they look at their budgets.

They haven't been doing too well on their budgets recently because the province has been shifting back the burden of education costs to municipal pockets as deliberate policy for the last several years. These elected trustees look at their electoral mandate and they look at their local mill rate. They make the hard decision that the minority of children who are suffering neglect in our educational system might tend to be too expensive to service and do not represent the majority of children in this system, which is run by majority ballot.

But let me say, through you Mr. Speaker to the Minister of Education (Mr. Wells), that I supported his Essex county bill on the

same grounds that I fight for this one. In the case of the Essex county bill, to create a French-language high school, I supported the Minister of Education, reluctant though I was because of the failure of this government to enunciate the Conservative principles of individual and community rights, which he had to be forced to support. I supported the Essex county bill because I believed that a civilized majority must support minority rights. I am fighting for this legislation because I believe the true test of a majority democratic society is the way it treats the minority groups within it.

[3:30]

The minority of whom I speak today is a group composed of children who have had to grow up in a regularized society. Has there ever been a more difficult time for children to grow up? It has not been the socialists who have created the hostile climate for children to struggle to find their feet. It is the private planning of the private parties of the private enterprise system that have created this environment for our children—these children of ours who hardly have an inch of green grass to see, or hardly are allowed a moment of exuberant yelling in their young, constricted lives. I speak for these children.

I appeal to this Legislature. Let us, as they used to say "stand up as a man" and say that the education system shall do better. I quote from an ancient document, the CELDIC report of 1969, an ancient document sponsored by the Canadian Association for the Mentally Retarded, the Canadian Council on Children and Youth, the Canadian Education Association, the Canadian Mental Health Association, the Canadian Rehabilitation Council for the Disabled and the Canadian Welfare Council. The year is 1969. I quote from their report entitled *One Million Children*.

It recommended that: "Curricula contain programs designed to meet the needs of children with emotional and learning disorders . . . recommended that, because of the negative effects of separate special education facilities, educational authorities minimize the isolation of children with emotional and learning disorders."

I read that to mean all children who are experiencing difficulty learning in our educational system.

It goes on to recommend: "That the educational authorities should plan programs for them; that, as far as possible, they retain children within the regular school curricula and activities."

It is my deep belief, borne out and reinforced by open conversation with concerned adults, parents, specialists and teachers, that we could choose to prevent many of these childhood learning problems if we were ready to cut the size of the classes in the education system, particularly in the primary grades.

In that ancient document of 1969, the CELDIC report, many an august organization supported the recommendation that "in the early grades of school, the maximum classroom enrolment be 20 children."

When I went to grade one 29 years ago, there were 30 kids in the class. I counted the familiar faces in a class picture not long ago. Most of those 30 did not get their junior matric. In fact, most of them had dropped out by grade eight. It is now 29 years later and there are still 30 kids in every grade one class, but we are paying for remedial English at university and in high school. We are also paying for community and social services to fund the active, articulate parents who send their kids to high-priced residential schools for the learning disabled in the United States.

When are we going to wise up? I would like one person in the Legislature to stand up and say he can teach 30 children how to read in grade one. Anyone who has ever been in a primary classroom will admit it is an impossible task.

I don't want province-wide testing in grade three. I want primary classrooms with one teacher and 10 children. Let's talk about that and then let's talk about the costs of special education. Until we get to that stage, I don't think we should discuss costs. There are children in need of decent access to educational services in this province, thousands of children. In a private member's bill, where I am not permitted to discuss the allocation of provincial government funds, I can think of no better way to force the issue of the needs of thousands of our children and the families who support and love them, than to ask this Legislature to approve the indirect application of political pressure on the government that is represented in this bill. I trust in the wisdom of the individual members, Mr. Speaker. Thank you.

Mr. Deputy Speaker: Does the hon. member wish to reserve any time?

Ms. Gigantes: Mr. Chairman, I think that we will have three speakers. I will not speak again.

Mr. Deputy Speaker: Thank you. The member for York East.

Mr. Elgie: Mr. Speaker, members of the House, I am pleased to rise and speak to this bill today. I must, at the outset, indicate that

my comments will relate primarily to the principle involved and not the content, since as I am sure the author appreciates, the bill as written is inadequate in some areas. Particularly with regard to the proposed method of funding, it is even quite inappropriate and unacceptable.

In a general way I feel that this Legislature—

Mr. Foulds: There is no reference to funding. Funding comes into his estimates.

Mr. Elgie: The children's hour comes later.

In a general way I feel that this Legislature, the school boards and the people of this province can look with pride at the achievements in special education that have already been accomplished over the years. There are special programs for the deaf and the blind, including those who are emotionally disturbed; special programs for the retarded, with recent emphasis on the transfer of these programs to the regular school system; special programs for the physically and emotionally disabled, both at the provincial and the school board level; and with regard to the learning disabled, whom we are really discussing today, and the gifted children, many or most boards already provide programs for them.

The main element lacking in order to make the system uniform and accountable is the mandatory aspect.

Mr. Mackenzie: Why don't you throw in our triple A rating?

Mr. Elgie: Indeed, as I understand it, some 12.5 per cent of the total school population in this province is in some sort of special education program. When one realizes that in the United States the widely acclaimed Bill 94142 sets a ceiling of 12 per cent of the number of children to receive funding under that legislation, then one can't help but look with some degree of satisfaction at the strides made in this province up to this point in time.

But like the member for Carleton East (Ms. Gigantes), and indeed most of the members in this House, I'm concerned today with discussing the principle of the bill, a discussion dealing with appropriate educational services for the handicapped, including gifted children. I propose to discuss this principle, setting aside concerns that any of us may have regarding constraints or the availability of public resources at this time. In other words, it will be a discussion based upon the philosophy that man's reach must exceed his grasp or what's a heaven for.

I must at this time as well express my own sincere appreciation to the many groups

and organizations representing the interests of the handicapped who have contributed so much to the political process by bringing these problems, in a very honest and forceful way, to our attention. How fortunate they and we are to live in a democratic system which allows this free interchange and exchange of views, and which on the whole eventually seems to lead to correct solutions.

I agree that mandatory legislation should exist in this province to assure the availability of appropriate public education for all handicapped children of compulsory school age. I even look forward to the time when early screening techniques may allow us to detect these problems among pre-schoolers and thus alleviate the pupil, parent and teacher frustrations that seem to flow from situations where the educational process is not appropriate in view of the child's handicap.

I would, however, point out that such legislation must allow for adequate lead-time into the program so that appropriate diagnostic facilities and personnel may be made ready; so the teacher training program may be upgraded, if that's necessary in all areas; and so, indeed, that the whole school system, where it had not already done so, may be geared up to and excited about the whole concept.

I look upon education as a continuous process whereby individuals learn to cope and function within their environment, regardless of that environment. Under this definition, as proposed by the Pennsylvania Association for Retarded Children and accepted by the courts in Pennsylvania, all children have the capacity to learn something, be it ever so little or amazingly much. The role of special education is to provide specifically-designed instruction programs and support services to meet the unique needs of handicapped children. Let's also clearly understand that not all children who have a disability require special education. Many are able to, and indeed should, attend school without any program modification. Many children simply require support services that give them access to existing school programs.

Mr. Foulds: It is called special education.

Mr. Elgie: For example, the orthopaedically handicapped rarely require a special education program but simply a special means for getting into that classroom. Indeed, a paraplegic patient of mine, with assistance, was able to complete law school. All he needed was help to get to the class-

room and a dictating machine with which to record the notes and write his exams.

There are, however, a great number of children who do require special education and related support service. As I mentioned before, an incredible number of children are already receiving this kind of program and this kind of support.

Before such ambitious legislation can be realistically implemented, the rights of the child to what I will call a non-discriminatory evaluation of his or her handicap must be ensured. By this I mean testing and evaluation by more than one measure that is appropriate to the child's linguistic, cultural, physical and emotional circumstance, administered by qualified personnel.

Also, we must assure the right of handicapped children to this appropriate education. In the United States, for instance, public law 94142 requires that each child be provided with a written, individualized education program to ensure delivery of the specially-designed instruction referred to in the definition of special education.

Special education is special, it involves instruction which is specially designed and directed to meet the unique needs of that particular child. Thus, for many children, special education will not be the totality of their education, simply a part of it, and that special part must proceed from the basic, expected outcomes of general education.

It does not promise to work miracles or to enable all children to learn at the same rate, or to attain the same level of learning. It does not promise an equal outcome for all children within the educational process. Special education should, however, safeguard the quality and the appropriateness of the education; but it does not guarantee equal final levels of achievement for all children.

In essence, then, the great value of an individualized educational program is that it is addressed to the educational needs of a single child rather than to a group of children. Just as the treatment program for a child with a fever varies from person to person, so the educational program for a handicapped child must vary from child to child. If this concept of an individualized education program is to be accepted, legislation must ensure that the parents are involved in this process along with representatives of the local school boards.

The final step in the whole process, of course, is accountability. To ensure accountability, it is necessary that the parents understand and agree to the individualized program, that the child's progress in the program be reviewed and evaluated at least annually,

and that the individual program be revised, if necessary each year, by the same due process; again involving the parents. The aim is to ensure continuing appropriateness for the child given his or her current stage of educability.

I am concerned that this bill, as presented to this House, does not assure appropriate education to all handicapped children, because it does not insist on this non-discriminatory evaluation, on individualized educational programs, on accountability for delivery of special education and related support services. Nor does it insist on some process of revision or the safeguard of more than one appropriate measure being mandatory before a child can be labelled handicapped.

Section 4 of this bill needs much more discussion. The process through which it is determined that a child's appropriate education can only be provided in an educational institution not under board jurisdiction—in other words in a private school at public expense—is not clearly spelled out. Surely placement in such programs at public expense should not occur simply as a parental option. It should occur when it has been determined, either through public school recommendation or as a result of some other due process that such a setting is required. In addition, section 4 makes no reference to the question of accountability, evaluation and monitoring of private institutions which are not under board jurisdiction. Surely these institutions, if they are to receive public funds, must be accountable.

Finally, I want to comment briefly on what I consider to be the inappropriateness of Bill 109 as a private member's bill. As the member for Carleton East well knows, section 86 of the standing orders of the Legislative Assembly states that no bills shall require that the government impose a tax or direct allocation of public funds unless it's introduced by a minister. Thank you, Mr. Speaker.

Mr. Van Horne: It's a pleasure for me to stand in support of this bill, and I would urge all members of the House to do so. In spite of the technicality raised by the member for York East (Mr. Elgie), I would suggest, as he did at the very beginning, that indeed it is a matter of principle we are discussing.

[3:45]

Mr. Conway: Tell it like it is, Ron.

Mr. Kerrio: Common sense will prevail.

Mr. Van Horne: I would like to congratulate the member for Carleton East for having the courage to do this. I realize at the same time that I should be giving some kind of commendation to my friend and col-

league the member for York Centre (Mr. Stong) who is also concerned through his private member's bill about the needs of children for special education.

Before going over the bill item by item, which I would like to do, I would like to make a few observations about special education in our province. One cannot help but be saddened by the very fact that we are here today, we members of both opposition parties, still trying to push for what we think is the right of every child in our province, and that is the right to an education; an education to accommodate her or his own special needs. I do agree with what the member for York East said about the availability of many programs now. He mentioned some examples—the School for the Blind and the Roberts School—for those with little or no hearing. But I would suggest to him, too, that in spite of this there are still many young people in our province whose needs are not being met.

One would have thought, had there been any feeling, empathy, sympathy—whatever you wish to call it—on the part of the ministry, that after the Ontario Supreme Court case in the spring of 1975 regarding the Brewin application to the Ministry of Social and Community Services, the Ministry of Education would have reacted to the obvious public sympathy, if not to the needs of the specific family itself; and that it would have reacted in such a way that the Education Act would be changed. Unfortunately, this has not been done.

There is further evidence of what I would like to call a lack of concern. If one looks at this document, Education in the Primary and Junior Divisions and its supplementary smaller document, referring to the programs for children in our primary and junior divisions one might find some very small references to special needs—witness pages 11 and 12 as an example. But really, not a very significant comment is made in support of the needs of those children we call "special" within our system.

It goes without saying that we all know that section 147, subsection 1(40) is the issue; this is permissive legislation. It now says, "a board may." Surely the minister should by now have changed that one very operative word in the whole consideration. That word "may" should have been changed to "shall." "How many times do statements like this have to be made?"—and I am reading now from the communiqué of the Ontario Association for Children with Learning Disabilities. "How many times do statements like this have to be made"—this is from the No.

4, June, 1977 issue—"until school boards are compelled by legislation to provide special education appropriate to a student's needs and to utilize funds allocated for special education for this purpose alone, statements such as the following have no teeth, and the cause of the learning disabled child in Ontario has not been furthered." Then it goes on with those statements with which I will not take members' time at this point.

Again, the issue is that groups and individuals have said time and time again that a change should have been made. It hasn't, and that is why we are here now.

I would hope that the minister doesn't excuse his lack of action by suggesting that this is a matter for local autonomy. If in some cases local autonomy is not willing to provide special education for those who need it, then they must be told to do so. The rights and privileges of these children must be protected and must be provided for.

At the same time I say that, I do realize and recognize the efforts of many very dedicated and well qualified teachers. The concern that they have shown in working with children with special education needs cannot go unnoticed at this time; but by the very same token, I am suggesting to you, Mr. Speaker, that there are some jurisdictions that are not acknowledging the needs of the special children within their systems.

I would like now to spend just a moment looking at the main sections of this bill. Section 1 is the interpretive section. I don't think too much comment should be made there, except that perhaps if we are lucky enough to get this in committee and recommend some amendments, I would suggest here a full definition of "special education," along with the definition or interpretation of "board."

In section 2 the operative word is "shall." I would suggest that the subsections require a little bit of work. I would suggest to you that a lot of effort and time are needed to clear up what is not being done for gifted children. One doesn't have to look too far through the various curriculum guidelines. I have a few examples going back to 1962, 1969 and right up to 1977, picked at random. You won't find in any of these curriculum guidelines what I consider to be any accommodation for the gifted child.

Curriculum guidelines, it seems, are designed for the average. Beyond that it's up to the individual teacher to provide for the needs of the gifted child in whatever way possible. Again, it's true that there are a few boards that do have some limited program for gifted children, but there are preci-

ous few of them and many of our gifted children go unassisted. I would suggest, then, in that particular section, that we build a little bit on the further definition, not only for the gifted child but the curriculum needs.

In section 2(c), "to establish and administer tests" suggests to me that boards would go willy-nilly on their own designing tests, and I'm not sure that that is the intent of the author of this bill. I would suggest that a little rewording is needed there.

In section 3 I'm not sure that it was intended, but there is the fairly lengthy and complete list, of the various atypical children if you will. I would suggest that the shopping list of the old Shoprite or Simpsons catalogue approach is not really appealing to me. I would like to see a whole section defining the various exceptionalities rather than having them just listed as they are there.

Further, in section 4 I think the hon. member for York East has pointed out a few concerns that I think are legitimate concerns and I will not dwell on those.

Section 5 I would agree with. I would suggest that there is need, however, to make some kind of provision for the youngster who is adjusting when he is reintegrated, and that there be some interim provision made. Beyond that we should include in that section some reference to the reviewing of and reporting to parents—the reviewing of progress and the reporting of it to parents—at least in the first year of reintegration.

In conclusion, and I guess I say that, in deference again to the member for York East, it just amazes me that the large number—

Mr. Deputy Speaker: The hon. member's time has now expired.

Mr. Van Horne: One final word, then: With the number of concerned parents and people who have felt short-changed over the years—if they were all to have marched on this place rather than having lobbied and used their common sense I'm sure we would have had something like an aerial view of downtown China out here—but the people who have worked, like the ACLD and others mentioned through the CELDIC report reference, should be congratulated for their lobbying and I hope we can all agree that this bill deserves passing.

Mr. Foulds: I rise in enthusiastic support of this bill. I am delighted that my colleague, the member for Carleton East and the present education critic for the New Democratic Party, has seen fit to bring this bill to debate on second reading. Although this is a private member's bill, I think I can say without

hesitation it embodies a principle my party wholeheartedly endorses. The fact that I as education critic introduced a similar bill several years ago and that our leader hopes to wind up the debate for us, indicate our commitment to the principles embodied in this legislation. I would say we are not alone, because the member for York Centre has introduced a similar bill that would achieve the same results. The opposition seems united on this question.

Mr. Conway: As always.

Mr. Foulds: In fact, if the Conservative government stall, delays, defeats or kills this bill at this time, we on this side of the House will introduce a similar bill again and again and again until it becomes a reality.

The principle and the commitment are clear. The bill seeks to make education a right, now a privilege. It is that simple and that important. The bill seeks to ensure that every child in our society, no matter what his or her capability, does receive the education he or she is entitled to.

It is one of the great ironies and great tragedies of our present educational system that the Education Act requires parents to send children of compulsory school age to school, but it does not require the educational system to provide those children with an adequate education. In fact, many can be and are excluded from the educational system at the present time. What is sometimes even worse, the present educational system by its present methodology often compounds and makes more serious a difficulty that a child in the system may have. This bill is not aimed at any special interest group, although naturally many individuals, many parents and groups are especially active and concerned about those with learning disabilities; many children will benefit from the bill.

The minister may very well say that the bill is not the answer. I freely admit that alone it is not. But if the Legislature passes this bill, the government then has the duty to implement it properly. It has the duty to train teachers and other personnel to carry out properly the programs and the proposals this bill makes. And if they fail to do that, then I admit this bill will fail.

Even more important, there must be a commitment that we not establish special education ghettos in our educational system. It is important to make special education, whether for those who have difficulties or those who are gifted, a natural and regular part of our regular school system. The options must be available within our regular school system.

That means three things. The ministry, working co-operatively with boards must dramatically reduce class size in the early years of the regular educational system so that the proper identification of children and their learning difficulties or their learning gifts takes place, the proper testing takes place and the proper program is designed for these children. It is often said, there are no learning disabilities, there are only teaching disabilities; and that has a certain amount of truth.

Two, it means for those special cases where intense residential tutoring is necessary we must devise a new, more humane system of a limited number of provincial schools, hopefully on a regional basis, to provide that particular kind of education; particularly for those children, say over 12, who often do need that special kind of tutoring. But by and large, we should try to establish a facility in the boards, in the homes and in the places where the child can have reinforcement from his family during his educational experience.

Three, those boards that cannot individually offer special education programs need to be encouraged by the ministry to establish joint ventures, if you like, with other school boards nearby. Thus, in the regulations arising naturally from this bill, they would have been deemed to have provided and "established, special education programs" under section 2 of the bill.

[4:00]

May I say to those who have quarreled with the definitions and the wording in this bill, that can be remedied very quickly in committee; fundamentally, those things can be defined in regulations arising out of the bill.

We have all, I am sure, had examples of children who in fact have been maimed by our standardized educational system. I won't go into specific details about cases today because time does not permit. But many of my colleagues, the member for Etobicoke (Mr. Philip), the member for Scarborough-Ellesmere (Mr. Warner), the member for Sudbury East (Mr. Martel), the member for Carleton East (Ms. Gigantes), the member for Scarborough West (Mr. Lewis), have all had such cases and fought that issue.

The member for Etobicoke can't be here for the debate today because he is chairing the justice committee, but he circulated on behalf of the United Church Women a brief that outlines this issue. All of these people, and many other members of this Legislature, have fought cases before the review board of

the vocational rehabilitation branch of the Ministry of Community and Social Services. Primarily those cases have been with regard to children with learning disabilities. But they, with the families, have had to fight tooth and nail so that adequate education, only available in private and often foreign institutions outside of Ontario and the country, would be made available to those children as a natural right.

It should not be happening that way. We should be providing that education for these children right here in Ontario; and from the beginning of their educational lives not after 10 years of damage has been done. If this were done, in this way, it would save enormous frustration and anguish on the parts of the parents, teachers, students, and the children involved. It would enable the children to be productive members of our society, and in the long run could save the enormous toll taken on many who are now neglected because of the totally inadequate patchwork of programs provided by the Ministry of Community and Social Services, the Ministry of Correctional Services and the Ministry of Education.

If this bill is passed, it would in future avoid the buck passing that takes place at present between the ministries. Human beings, human curiosity, human creativity, human productivity is at stake. If education is about anything, it is about liberating the minds, the hearts and the spirits of human beings, so those human beings can then use that, not only for their own benefit but for the benefit of their fellow man. This bill would help to do that with an enormous number of children who are not given the liberation of an education.

I plead with all members of this House to support the bill. I plead with this House to make education in Ontario, finally and irrevocably, universally accessible. I plead with the government and the cabinet, not only to allow this bill to pass, but to adopt the spirit of its provisions and implement the programs it envisages. I plead for this bill to be called for third reading by the government House leader before Christmas and I plead for the bill to get royal assent in time for the coming school year. If this government fails this, it will have failed the children of Ontario. Thank you, Mr. Speaker.

Mr. Baetz: Mr. Speaker, Bill 109 creates a real dilemma for me. On the one hand I find it difficult to oppose the principles and general objectives of the measure, because I have been actively engaged in promoting special education programs here in Ontario and elsewhere in Canada for more than a

decade. I believe that of all the social problems encountered by parents and their children in modern society, none leads to more frustration, more anger and more sorrow than the cases of children afflicted by emotional and learning disabilities.

It was this recognition that led six of us, executive directors of national voluntary agencies in 1966, to band together and sponsor the Commission on Emotional and Learning Disorders in Children. That three-year study and subsequent report produced by the commission which has since become known as the CELDIC report, has, I believe, been something of a landmark in generating public interest and the development of special education programs across this nation, notwithstanding the remarks made by the hon. member for Carleton East.

I believe, Mr. Speaker, it is also relevant to note at this time, the vital role played by someone else in making that report possible. The published report acknowledges that person's help in the following sentence: "It was only with the endorsement of the study by the Hon. William Davis when he was chairman of the Council of Ministers of Education in Canada—"

Mr. McClellan: Tell us how you are going to vote?

Mr. Baetz: "—that led to contributions from the departments of education in the provinces that financial support was assured."

In the seven or eight years since the publication of the CELDIC report, I believe progress has been made in special education programs in this province as elsewhere.

It is at times like this, as we look ahead and as we look to the mountain peaks—the goals yet to be achieved—that we also look back and try at least to get some honest, wise perspective as to where we have come and what progress has been made to date.

I am not going to recite the litany, in statistical terms and facts, of programs—

Mr. McClellan: Are you for or against it?

Mr. Baetz: —of the progress made here, although I could do so. Some of the facts have already been presented by my colleague to my left.

Certainly in terms of dollars there has been a trend toward ever more money being spent on special education, as I believe it should have been.

For the elementary level, the amount recognized and paid out through special education weighting factors was \$15 million in

1974. In 1977 it will be \$51.7 million. For the secondary panel, the 1975 figure was \$700,000 compared to the 1970 figure of \$6.5 million. I suggest some progress is being made; but money, essential as it is in the expansion of special education—

Mr. Van Horne: Not very much in the secondary schools.

Mr. Baetz: —obviously is not, and cannot be, the only ingredient. There are at least three other essential requirements.

These are: One, a cadre of specially trained personnel; two, research and planning; and three, sufficient degree of public understanding and support to be willing to pay the bill, because good special education increases initial public expenditures, even if in the long term social and economic benefits more than compensate for the initial outlay.

Teachers have to be trained, and teachers of teachers have to be trained. All of that takes time. We are making some progress.

Mr. McClellan: How many decades?

Ms. Gigantes: Why don't you start?

Mr. Baetz: In 1975, well over 1,500 teachers enrolled in special courses in special education to qualify for additional professional certificates.

Mr. Van Horne: Because they didn't get it in their basic training and the ministry hasn't done a thing about it.

Mr. Baetz: Also in recent summers, some 30 per cent of all teachers enrolled in all the courses were taking special education programs. Progress is being made.

Only through careful planning and research will we be able to clearly determine the precise direction and priorities which should guide our special education programs for the future. That also takes time and patience. Those of us active in this field are only too aware—

Mr. McClellan: What a sellout you are, Reuben.

Mr. Baetz: —of the disasters, in both financial and human terms, which have occurred where one or another form of intervention was given either too little or too high a priority. Fads and quick solutions are rampant in this field and must be treated cautiously.

Mr. Stong: It is a question of priorities.

Mr. Kerrio: Too little, too late.

Mr. Deputy Speaker: Order!

Mr. McClellan: You should be ashamed of this, Baetz.

Mr. Baetz: There is probably substantial consensus that the majority of young people requiring special education can be helped in one or more of three different ways. As we have heard, one is through the help of a resource teacher; another is through attendance in the special class for a number of years before returning to a regular classroom. The third is, through alternative schools for a minority who cannot be helped otherwise.

Mr. Kerrio: Another senseless bill.

Mr. Baetz: But to translate these general priorities into precise programs in communities across Ontario simply takes time and careful planning. It takes money, trained personnel, research and planning, and an understanding general public.

Mr. McClellan: And a new government.

Mr. Baetz: These are the four essential factors required in moving ahead in our special education program.

It is the recognition of the complexity and the multi-faceted nature of the programs which creates—

Mr. McClellan: Oh, come on, this is disgraceful.

Mr. Kerrio: Are you ever trying to justify your position.

Mr. Baetz: —my dilemma about Bill 109.

I can support it in its general objectives, in principle, and today I will support it in principle. I cannot and I will not support some of its major features if and when the bill should receive further consideration by this Legislature.

Many of the specific weaknesses have already been ably pointed out by my hon. colleague from York East and by the hon. member for London South (Mr. Walker).

Ms. Gigantes: Support it.

Mr. McClellan: I withdraw all my nasty remarks.

Mr. Baetz: I believe these weaknesses are merely symptoms, merely manifestations of the more fundamental and fatal flaw in this bill, that is simply that this bill tries, through a private member's bill, to introduce a major expansion in a government program and a change in some policies, with attendant financial implications. A private member's bill is not meant to do that. That is the fundamental flaw in this piece of legislation.

Ms. Gigantes: Is the member going to vote for it or not?

Mr. McClellan: The flaw is the government.

Mr. Baetz: It is inappropriate to include money matters in a private member's bill, as

I'm sure the sponsor fully recognizes. The financial implications and recommendations for the provincial government are side-stepped in this legislation.

Mr. Foulds: Get the Minister of Education (Mr. Wells) to bring in his bill on Monday and we'll pass it on Tuesday.

Mr. Baetz: This is done presumably by foisting another \$25 million to \$35 million on local school boards and taxpayers, which these new policies would likely cost. We side-step that issue.

Mr. Foulds: How does the member arrive at that figure? Prove it.

Mr. Baetz: In fact, with heavy school taxes, such a move could only be regarded as unrealistic and even ludicrous.

Mr. Warner: Nonsense.

Mr. Mackenzie: The member is an Ottawa redneck.

Mr. Baetz: There could hardly be a better way to destroy public support for special education than the imposition of such a tax by ordering school boards at this time to pay another \$25 million to \$30 million for special education.

Mr. McClellan: The social worker with a hard hat.

Mr. Mackenzie: Now I know why the member's staff were so glad to get rid of him.

Mr. Baetz: The threadbare wording throughout this legislation, which gives too much and too little all at the same time, shows a lack of the required research and planning. It cannot be expected that a private member's bill can have the adequate research and planning to go with it.

Mr. Van Horne: Don't talk to us about the lack of research and planning.

Mr. Deans: If the government would give us more staff, we could do it.

Mr. Baetz: In conclusion, therefore, I hope I have demonstrated that not all of the knowledge about the needs for special education, nor all the concern and compassion for the families and young people beset with learning disabilities—

Mr. Warner: Don't be so silly.

Mr. Baetz:—nor all the conviction to press on in solving the social problem, rests with members and their parties opposite in this House. I will today support the bill in principle because I believe in its general objectives.

Mr. Foulds: Just vote for it.

Mr. Baetz: At a later date, however, I will oppose many of its features, if that is necessary—

Mr. Mackenzie: Why did the member run? Was he going to get fired?

Mr. Baetz:—because they are weak, and above all because I'm convinced that special education in this province warrants far greater measures than a private member's bill.

Mr. Warner: Then do something.

Mr. McClellan: Speak to the Minister of Education then.

Mr. Kerrio: The government has had 35 years to do it.

Mr. Stong: Since 1975, I have introduced three private member's bills, Bill 23, Bill 192, and presently Bill 66, all of which seek to amend the Education Act—because that's the ministry that's really involved in this area—each of which guarantees the right to an education to every child, and each of which would make special education mandatory in our system. Because of the luck of the draw, none of my bills came up for debate; and if it weren't for bad luck I'd conclude I have no luck at all in that regard.

By and large, gifted children are better off in our school system than those who suffer from a learning disability.

Mr. Lewis: Don't bet on that, believe me.

Mr. Stong: So I would relegate my concerns this afternoon on this vote to the sorely inadequate facilities and the lack of qualified teachers to deal with the problem of children with specific learning disabilities.

The real problem, as I see it, is that although many think they understand what a learning disability is, when questioned ignorance prevails. The Ontario Association for Children with Learning Disabilities defines the learning disabled child as a child who exhibits a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written languages. The incidence varies according to the criteria used to define the disability, but the Canadian Association for Children with Learning Disabilities placed the incidence at approximately 10 per cent to 12 per cent of the total childhood population of Ontario.

If we were to examine the inter-personal relations of the learning disabled child and his educators, perhaps we would discover the learning disabled's motivation to direct his delinquency tendencies towards society, whose major childhood institutions also reject him, because nowhere in life will his deficiencies be more manifest than in our school system.

[4:15]

In the materialistic society in which we live, one of the highly valued traits of that society which is stressed is the concept that

academic achievement is the key to success. Therefore, the role in which we cast our young is that of a serious student striving for academic excellence. From age five onward, the school becomes the major arena of the child's socialization process. It is here that the under-achiever is stigmatized, often to the extent that his entire life may become permanently warped by his feelings of inferiority.

Instead of developing a healthy attitude of, "I am one who succeeds," he develops the defeated notion of, "I am one who fails." The child who is ultimately defeated in his attempts at academic mastery, who drops out of school at the age of 16 possibly with no more than an elementary school education, is almost certain to be denied many of the rewards that society bestows on its better educated members. Furthermore, our advances in the technological society are simply not structured to assimilate many members who do not learn well; but this is the unfortunate plight of the learning disabled child.

Education can give the student a sense of emotional satisfaction in the achievement of skills. It can arouse socially acceptable ambitions. It can put him into contact with persons with whom he can identify and strive to emulate. On the other hand, it can leave scars on the psyche of the growing child which may well be related to the development of anti-social attitudes and to ultimate defiance of all authority.

The frustration that accompanies the learning disabled who is of normal intelligence as opposed to the apparent contentment of those with more generalized, low intelligence, is undoubtedly the factor which triggers aggressive behaviour.

Usually and not uncommonly, learning disabilities are associated with emotional disturbances, but that is not a medical fact. Learning disabilities are not emotional but are actual physical disorders affecting one or more of the basic psychological processes involved in understanding or using spoken or written languages.

As former critic for my party of correctional institutions and as present critic of the Solicitor General, and drawing on my professional experience, I have become more and more impressed by the correlation of the learning disability and criminal delinquency. Kiwanis International, which has undertaken to sponsor learning disabled programs internationally, has compiled a publication called *The Younger Years*. This publication is to be used as a directive to participating clubs. The publication relies on separate studies in three American states which indicate that 80 to 90 per cent of juvenile delinquents committed to

correctional institutions have clinically proven learning disabilities.

The New York Times ran a series of articles on what is termed dyslexia. That is a term more or less equivalent to MBD or LD. One of these dealt with delinquency, and the following is a quotation:

"Some of the most disturbing statistics about dyslexia were officially reported to the United States Secretary of Health, Education and Welfare in 1970 by a special national advisory committee of 21 experts. The group found a shocking correlation between dyslexia and juvenile delinquency. An estimated 75 per cent of the nation's delinquents are reading retarded by at least two years.

"The study went on to review figures on all of the convicted criminals incarcerated by the Federal Bureau of Prisons and found dyslexia four times more common among prisoners than among the general population. The prisoners had a non-verbal mean IQ of 102, but had reached an educational level of only a fraction of a year beyond the seventh grade."

The article goes on to point out that dyslexia does not inevitably lead to criminal activity but states that without essential treatment, the dyslexic child is trapped in daily failure and may well vent his frustration in anti-social ways. The manifest purpose, I put to you, of our educational institutions is to socialize society's youth in the customs and manners and knowledge of our culture. Yet even the best-equipped school boards offer only token facilities for the remediation of learning disabilities. Most learning-disabled children are left without help in the normal classroom to sink or to swim; unfortunately many of them sink. As soon as they do they become stigmatized, lose their self-esteem, and the resulting frustration drives them to some form of defiance.

They are intelligent and sensitive to the negativism directed towards them, and they are highly motivated to get even with a society which has failed to understand them from birth. Thus the seeds of criminal behaviour are formed.

The Ministry of Education must immediately introduce comprehensive courses to train teachers to recognize and detect, in the early years of our educational system, the child with a learning disability. The government must immediately introduce more extensive apprenticeship or internship, which must concentrate on placing the most qualified teachers in junior kindergarten, kindergarten and grades one, two and three.

Although experts differ as to whether the learning disabled child ought to be segre-

gated from or integrated into the regular class, the cost of financing a learning-disabled program in our educational system would be best served at this time by a program of integration. It would be a beginning, and a step in the right direction.

The real basis of a program for dealing with most of the learning-disabled children is to be found in teacher training, as opposed to setting up sophisticated and segregated facilities. So I urge the ministry to accept its responsibility; quit passing the buck and act now. Set up the programs required; guarantee a right to an education to every child in Ontario. Three children in every class suffer a specific learning disability. The government should act immediately on this bill. I have no hesitation in supporting the bill that is before us in principle.

Mr. Lewis: I am very delighted to enter this debate in support of my colleague's bill. Both my colleague from Carleton East and my colleague from Port Arthur (Mr. Foulds) have put to you very strongly the rationale and principle behind this bill. I don't think it is a matter of dispute among many members of the Legislature.

I appreciate some of the interventions I have heard, publicly and privately, from members of the government. As a matter of fact, the member for York East was kind enough to write me, not very long ago, a thoughtful and feeling letter which showed an appreciable grasp of precisely this kind of problem.

I am making, pointedly and deliberately, a notable exception. What really bothers me, are the kinds of speeches we hear from the member for Ottawa West (Mr. Baetz), which worry me when dealing with legislation of this kind. My colleague from Ottawa West has become the master of ambiguous, circumlocutious equivocation. I've never heard anything in this House like it.

If ever there was a person who has taken on artful rationalization and made it a fine point of his career, it is the member for Ottawa West.

I appeal to him to cut it out. With respect, when he retires from politics he should take on a job like executive director of the Canadian Council for Social Development. That namby-pamby miasma would love him. It is something worth thinking about.

Mr. McClellan: He can speak out of all sides of his mouth at once.

Mr. Lewis: What this piece of legislation is meant to do is provide for all the children in this province—

Mr. Baetz: Who's arguing with it?

Mr. Lewis: —exactly what they are entitled to as a right. It is as simple as that. It is the simplest principle that could be put. There is no reason in the world for the government to resist and oppose it. The government should embrace it; conscious, as government members, that where these injustices exist they should be dealt with.

There has been some talk in general terms this afternoon. Let me talk to members in very specific terms.

Recently I appeared at the Social Services Review Board with my colleague from Kitchener-Wilmot (Mr. Sweeney), who was kind enough to be there, and I salute him for it, on behalf of a little 14-year-old boy in my own riding named Stephen Cook, who had been refused, as so often happens, by the rehabilitation branch of the Ministry of Community and Social Services. His parents then had to go—with a lot of advance pain, anguish and frustration, let it be said—to appear before that board to make an appeal on behalf of that lad.

The member for Kitchener-Wilmot intervened very effectively, and I made some personal intervention myself as the member representing this young man. Lo and behold, Mr. Speaker, no sooner had that been done, or had that case been heard, than a few weeks later the funding was granted. The boy is off in Pine Ridge, Vermont, there being no education available to him in the province of Ontario because he's a profoundly learning disabled child. Even in a board of education as strong and sophisticated as that of Scarborough, there was still no possibility for that young lad to have an adequate educational environment.

Mr. Stong: Nothing north of Steeles Avenue.

Mr. Lewis: I spoke to his mother yesterday morning. I didn't call her, she called me out of the blue to tell me that this 14-year-old boy has been made an honour student in Pine Ridge, Vermont; that his entire personality has changed in a matter of months and that this desperate, frantic young adolescent feels a total sense of personal vindication because he's having a decent educational experience.

Mr. Baetz: That's progress.

Mr. Lewis: The member thinks that's a first-rate thing, doesn't he? Well then, I have a question to ask. Why can't it be done in the province of Ontario? Why do we have to export our kids to Vermont? Why do we, as members of the Legislature, have to intervene in this fashion to exercise our consider-

able political clout in order to effectively get some money for these kids?

The next case I have I got by a little—

Mr. Baetz: Why don't you introduce private member's bills?

Mr. Lewis: I think I hear the whimpering of the sheepish; is that what's coming across the floor?

The next case I got came to me via a little program I do on radio. It came from Brant county, from the Odegarde family. They had been in touch with the member for Brant-Oxford-Norfolk (Mr. Nixon) as well as myself. They were all set to go before the Social Service Review Board. They, too, had to go through the pain, the frustration, the anguish of forever battling with the local board of education to get decent services for their kid, whom they had to send out of province.

Finally, even though the local board of education or the administration, wasn't so happy about it—as my colleagues will tell you is frequently the case—they got to the trustees. The trustees, to their credit, signed a letter which said, "We cannot, in Brant county, give this young lad an education." The hearing was set at the Social Services Review Board.

It was well known that the member for Brant-Oxford-Norfolk would be there. I had told the family I'd like to be there myself, and lo and behold—would you believe it—before the hearing was held, the Odegarde family heard that funding was coming through by the rehabilitation branch and a hearing would not have to be held. Another child is paid for out of the province of Ontario as a result of forced political intervention.

Then, Mr. Speaker, being terribly personal again—you'll forgive me for this—I had occasion to come into contact with a family from the riding of the Minister of Agriculture and Food (Mr. W. Newman). On the child's behalf, the Minister of Agriculture and Food himself intervened by way of letter, as did a number of celebrities from June Callwood on. They'd also spoken to my colleague from York Centre about coming to a hearing on behalf of that young woman named Donna Mae, about whom I once wrote a column. I had indicated I wanted to go as well. A lovely, bright young 18-year-old who was forced out of the province of Ontario to get an education.

The hearing was to be this morning. Two days ago the family heard by phone that the hearing was cancelled. Why? Because the rehabilitation services branch had decided to

fund the girl fully and the review wouldn't be necessary.

Mr. Stong: But what about the ones who don't get it?

[4:30]

Mr. Lewis: That's first-rate, that's excellent, because it's merited. But I want to understand what kind of a province it is where one has to exercise this kind of political pressure in order to get simple justice for our children. It is wrong, people over there. It is dead wrong and the government should face up to it.

We are asking in this private member's bill, which is a splendid bill because it covers exceptionality of all kinds, only that the government give to the children what they are entitled to as of right.

Mr. Baetz: But no money.

Mr. Mackenzie: That is all the member ever thinks of.

Mr. Lewis: I want to say to my colleague from Ottawa West, he of the omniscient disquisition, if the government has money to buy land in Haldimand-Norfolk, money to buy land in Edwardsburgh, money to waste on Minaki Lodge and money to throw away in North Pickering on a community and an airport that will never be built, it can darn well find the money for kids with learning disabilities in Ontario.

Mr. Gregory: You use Minaki Lodge in whatever subject you are talking about.

Mr. Lewis: What I am putting to you, Mr. Speaker, is don't talk to us about lack of funds, talk to us about social and human priorities, and then we will listen.

Mr. Mackenzie: It hurts, doesn't it.

Mr. Lewis: You are very shortly going to tell me that I only have a very short time left. I want to end simply in this way. By and large, the educational system of Ontario is designed for the mass. I am one of those people who doesn't feel so kindly towards the educational system of Ontario.

Mr. Acting Speaker: You have one minute.

Mr. Lewis: I am not as much a devotee of it as others are, but let us say it does a serviceable job for the mass of children. What it does not do is an equally good job for the children who particularly and especially require intense sensitivity, and a profound and feeling human response. The measure of a good educational system is the way in which it deals with exceptionality.

Our response to those who are most vulnerable is always the measure of the best educational systems. It is the best educational

system my colleague from Carleton East is putting before you, Mr. Speaker, in this private member's bill today. The government should hang its collective head in shame as 20 of its members rise to block it, as I am prepared to predict they will undoubtedly do.

Mr. Kennedy: I have some experience in this area of activity in our educational system. I rise to support the principle of this bill, as do my colleagues and as each speaker did who has participated. There is no doubt the thrust of the bill is sympathetically and understandably received by everyone. The major thing is turning provisional or discretionary legislation into mandatory legislation. That is the thrust of the whole exercise.

I did want to make just a couple of comments on the deficiencies in it. One of the problems I see we face, despite the assertion by the member for York Centre, is the need to have an all-encompassing definition of learning disabilities. My experience is that some are relatively easy to identify, to categorize, to provide for and to develop programs for, while others are most difficult. It requires a discussion with parents, with boards and with the ministry.

Mr. Kerrio: And the desire to want to do it.

Mr. Kennedy: And the desire to want to do it; the member is quite right.

Mr. Kerrio: That is what we need, a desire to do it.

Mr. Kennedy: It is just not so simple that tomorrow morning we start providing for all the persons or the categories that are here.

Mr. B. Newman: The government has had 35 years.

Ms. Gigantes: Let us begin.

Mr. Kennedy: I know, but I don't think we are that far advanced, from my discussions with people who are sincerely interested and involved in this program.

Mr. Mackenzie: That is the weakest "but" I have ever heard.

Mr. Kennedy: I tell the hon. member there are some areas in some of these categories where there are not just pigeonholes for everyone down the line.

Mr. Cooke: Who is trying to pigeonhole anyone; let us just try to do something.

Mr. Kennedy: I'm telling the members it is simply not in place.

Interjections.

Mr. Acting Speaker: Order, please. Would the member ignore the interjections and continue.

Mr. Kennedy: I assert that and that is fact.

Mr. Deans: Why don't you just pass the bill and we will go to committee and discuss all of that?

Mr. Foulds: Put it into committee today.

Mr. Kennedy: But what I want to say, Mr. Speaker, is the members opposite have been quite critical of this government in the area of special education for those with learning disabilities. I don't think this is quite fair. I have four sheets that relate some of the progress that has been made in this area. It really started with the retarded, when the late Premier—

Interjections.

Mr. Acting Speaker: Order, please; the member has one more minute.

Mr. Kennedy: —actually the very much alive former Premier, the Hon. John Roberts, when he was Minister of Education, opened the Red Oaks school in Mississauga.

Mr. Lewis: Is that a wish you have?

Mr. Kennedy: No wish, he is very much alive, as you know.

Those with learning disabilities involve some 12.3 per cent of the students in our school system. A great many of those are provided for under the discretionary rules now in place. But I do say, and support the member in this, that I would like to see the government continue this forward progress. I could relate, if I had the time, the chronology of progress in this area.

Mr. Speaker: The member's time has expired.

Mr. Foulds: You could do it in the next ten seconds.

Mr. Kennedy: I would like to see it continue, as soon as it is feasibly sound, and enshrine it in legislation—

Mr. Stong: That's enough.

Mr. Kennedy: —and I urge haste in expansion of the program.

ROYAL ASSENT

Mr. Speaker: I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

Clerk of the House: The following are the titles of the bills to which Her Honour has assented:

Bill 88, An Act to amend the Corporations Tax Act, 1972.

Bill 94, An Act to amend the Negligence Act.

Bill 111, An Act to provide for Municipal Hydro-Electric Service in the County of Oxford.

PRIVATE MEMBERS' BUSINESS

RESIDENTIAL SOLAR ENERGY SYSTEMS

Mr. Jones moved private member's motion 14:

Resolution: That in the opinion of this House, the government should give immediate consideration to legislation which would eliminate increases in property tax assessment for persons who install solar energy systems in their places of residence.

Mr. Jones: Mr. Speaker, as we propose this resolution to the House, and it reads for the immediate consideration to legislation, we do so as we think in terms of what we saw in the recent 1977 budget. We feel this motion of today supplements the initiatives in that budget. On April 20, we made retail sales tax exemptions for solar electrical cells, solar furnaces and solar panels and heat recovery units; today we feel we must add to the momentum created by those initiatives.

In my riding of Mississauga North, a family is living a few blocks from me in a home which derives 60 per cent of its energy needs from the sun. These people are seen, I suppose, as pioneers. I am happy to have them as neighbours.

However, Mr. Speaker, knowledge of the capability of the sun's rays is not a new phenomenon and any surface exposed to the sun will rise in temperature when it absorbs radiant solar heat. Yet we have concentrated our energies and our energy development in the area of fossil fuels which are increasingly costly, rapidly depleting and are polluting our atmosphere. We know these fossil fuels are by-products of the sun through photo-synthetic process, and rather than utilizing these by-products, with the implementation of solar technology we have today we can capture the force that helps create them.

Mr. Speaker, this province continues in both public and private sectors to develop sources of non-renewable energy. I find it illogical that we can continue to exhaust non-renewable resources without giving the greatest inducements and incentives possible to the development of renewable resources.

Therefore, I salute those ministries which are seeking out solar technology, which is effective in practice and in cost, and those who demonstrate the role of this technology. I see the Minister of Energy (Mr. J. A. Taylor) in his seat, and indeed I especially

applaud his efforts and the efforts of his ministry as they co-ordinate the many works taking place between the various ministries involved.

The Ministry of Education, for example, is presently involved in the design and installation of a 900 square foot water-preheating solar system at West Humber Collegiate in Etobicoke; the Ministry of Agriculture and Food is designing a practical, economic, and energy-conserving, solar greenhouse suited to Ontario's climatic and crop conditions; the Ministry of Government Services has issued tenders for the construction of court-houses, with solar boosts to their heating systems, in Scarborough and in Newmarket; the Ministry of Housing has issued tenders for the construction of a 30-unit senior citizen residence in Aylmer that is totally solar heated.

The Ministry of Housing project will complement its contribution to the 100 per cent solar-heated Provident House in King City. The Ministry of Housing is also studying the installation of a low-cost solar collection and modular storage system on existing housing units.

The Ministry of the Environment is investigating the feasibility of solar heating for a sewage treatment plant in Ontario.

These are but a few samples of many projects under way throughout the Ontario government. One of the goals of this work is to develop policies necessary to expedite public acceptance of solar technology in the marketplace.

I believe that the resolution before us today will induce greater demand by the residential consumer for solar equipment by reducing the financial burden carried by people who desire the use of solar equipment. In this, it will stimulate an industry that is in its early stages in Ontario, and it will promote further residential use, since each new purchase would induce and create a practical demonstration of the benefits of solar energy.

The cost involved in installing solar equipment in residences is considerable. To cite some examples of that, according to a Ministry of Energy observation using 1976 equipment and installation cost factors, estimates show that when these costs are applied against the costs of conventional heating systems and their fuels, the payback period is somewhere in the order of 20 to 21 years. However, by 1980, as solar technology advances, this period is expected to reduce considerably and the projections now see something like 15 to 16 years.

This technology will make further advancement. I know this from opportunities I

have had to investigate the development of solar technology. The Ontario Youth Secretariat's Experience '77 program, in conjunction with the Ministry of the Environment, sponsored a solar investigation project at Algonquin College in Ottawa. The dedicated young people there showed me their efforts toward the development of low-cost solar components that, when perfected, will further reduce the cost recovery period.

However, this is not enough. A group of companies practicing professional consulting reported to the Porter Commission on Electrical Power Planning, that emphasis must be made to stress the extreme importance of government legislation and financial incentives as a major influence on the rate at which heat conservation and solar heating system installation may be expected to take place. The group reported that legislation to ensure that property taxes would not be raised as a result of conservation and solar installation investments is highly important to protect the substantial dollar investments required for such installations.

[4:45]

A 1977 report of the Institute of Policy Analysis of the University of Toronto concluded the following: "Our results demonstrated that the inclusion of solar equipment in the assessed value of a house represents a major deterrent to wide-scale solar implementation in Canada."

The report went further to state: "In only one comparison case, the packaged or the standardized solar system versus electricity in heating, was the effect of property taxes overcome."

The study showed that with the inclusion of property taxes in lifetime costs of solar heating systems, solar heating was 48 per cent more expensive than oil heating. With the exemption of property taxes, the inferior position of solar heating was reduced to 21 per cent. Significantly, in that same study, when the solar equipment involved was exempted, solar heating was seen to be approximately 30 per cent cheaper than electrical heating over the life cycle of the system involved.

I know that report dealt with a figure of some six per cent as an expected escalation in those particular energy costs. We see them ranging as high as 17.6 per cent. Without a crystal ball, it is pretty hard for us to predict, but I was trying to be consistent in those comparisons that the report drew.

Electrical heating has been highly promoted in this province and has a significant share of the heating market. If, as we have seen,

solar heating is competitively cost-efficient, it should be promoted and receive inducements such as the one we see here before us, because of its comparative benefits. We as legislators, are not alone in the consideration of measures such as we see today. Manitoba has enacted similar legislation and the Nova Scotia House is considering a proposal before it. In the United States no less than 25 states, including our neighbours in New York and Michigan, have enacted legislation, and eight other states have proposed legislation of this type. All of the measures have come forward since 1974 in those jurisdictions.

In August, 1976, the American Bar Foundation initiated a study in light of these developments. It reasoned that solar systems and their exemption from property taxes add no additional burdens to the community. In fact, they stated it reduced the community's financial burden by lessening air pollution, cutting the amount of energy needed to transport conventional fuels and decreasing related spending.

This proposal has considerable support within the communities of Ontario. For example, the city of Ottawa is resolved to ensure participation in solar space and water-heated housing developments. The council of the municipality of Metropolitan Toronto adopted, in September, 1976, a recommendation of its resources recovery, energy and environment committee that reads: "That the province of Ontario be requested to exclude from the assessed value of real property, the increased value of the property resulting from the inclusion of a solar heating unit."

In the brief to the Metro council that made this recommendation, Alderman Tony O'Donohue described the use of solar energy systems incorporated into the new Massey Hall development. He said, at that time, "I sincerely hope that this will be the first move in an opening of the door to massive programs of energy conservation and a deceleration in use of our limited fossil fuel reserves."

Mr. Speaker, this resolution is not the first we have seen concerning solar energy; it certainly will not be the last. At some point in I hope the very near future, this House will propose such items as access to sunlight legislation and measures concerned with the very large field of passive solar development. Though that is not our task today, I would like to state very briefly that some of those things that will be part of passive solar development—and that this government will have to play a role in helping advise and to inform on—are very simple, some of them are

not very expensive. They are something the Ministry of Energy is constantly trying to provide by way of information to new home purchasers, to builders, and to people in general as we have the very large and very real debate about our energy uses, needs and sources for the future.

Some things are very simple, such as which way a house faces; overhangs to protect from the summer sun in light of large energy usage for air conditioners these days. Some of the very simple systems include use of thermal-mass principles since we know that big fireplaces, for instance, act as heat sinks; ever-green trees in the north of one's house act as wind breaks; and berming, which can be done in increasingly sophisticated and of course very realistic and yet aesthetically pleasing ways: these are some of those things we will see, I would trust, debated in this House in the near future. These are things I see our society having to increasingly turn their attention towards.

I recognize that this measure we are talking of today may be inconsistent with the aim of property-tax reform that intends to eliminate exemptions. Therefore, any exemptions that result from this resolution should have time constraints placed on them. We must provide, for example, that exemptions not extend beyond the minimum cost recovery period. I see this measure as an inducement rather than as long-term support.

Mr. Speaker, we must establish a practical demonstration of solar energy systems in the private sector, and I believe any measures resulting from this resolution will be a tool in the development of that objective.

I mentioned at the outset that I was privileged to have in my riding a home where people are actually living and studying use of solar energy; we are all learning from that particular home. We also see fledgling companies; we see a lot of young people increasingly concerned about environmental effects and the loss of fossil fuel. We all have to consider the increased cost of those fossil fuels, which we have in great abundance provided new development keeps pace with use.

Mr. Speaker, this resolution is an urgent step we as legislators should take towards what has to be the encouragement, the bringing about of and the second phase towards the increased use of our renewable resource, namely solar energy.

Mr. Speaker: Is the hon. member reserving four minutes for a response?

Mr. Jones: Yes, Mr. Speaker, I would like to reserve the final time.

Mr. Speaker: You will have four minutes.

Mr. Reed: Mr. Speaker, I would like first to commend the member for Mississauga North for this very timely resolution, and suggest to him that he stands out as a rose among the thorns on that side of the House when it comes to an attempt at progressive—

Mr. Warner: A lot of thorns over there.

Mr. Reed: —thinking regarding the need to encourage renewable resource development in the province of Ontario. The truth is that Ontario is probably second only to Prince Edward Island as the most vulnerable in terms of the traditional energy forms that we rely on so heavily at the present time.

But I want to caution him about one thing. Before he waxes too euphorically about the wonderful achievements of his government in this regard, I would like to point out a couple of things. First of all, he mentioned the Aylmer senior citizens project; he mentioned, I am sure unintentionally but erroneously, that it is 100 per cent solar-heated. I am sure the Minister of Energy (Mr. J. A. Taylor) will confirm with the member that it is, in fact, not. The interesting part of that is that the supplementary heat being used on that very commendable project is a demand electric heat, which I pointed out in the House a few days ago is probably the worst possible use of thermally-produced electricity in existence. Therefore, the Minister of Energy, in his consultation with various ministries and advising them on energy conservation, would do very well to upgrade that program as well.

The other thing I would like to mention to the member for Mississauga North is the \$50,000 commitment that was made, I think two years ago, in assistance for the development of what is now called Provident House up in King, which is a 100 per cent solar home. On the basis of the \$50,000 input cost of the solar panelling in the storage system and so on, the then Minister of Energy, the member for Don Mills (Mr. Timbrell), said that solar power was of virtually no significance before the end of the century.

So I would just caution him to be realistic. I am very much encouraged by any move forward that I can see on the part of the government in the development of renewables, but let us not get carried away with all of the wonderful things that have happened in the past.

As recently as two years ago, as I said, there was a total of \$50,000 committed for renewable resource development, that went into Provident House. Last year the book showed, I think, \$350,000. We know that it has got to be substantially improved above

and beyond that. If it was more than that, I stand corrected, Mr. Minister, but it seems in the estimates—

Hon. J. A. Taylor: It is \$4.4 million.

Mr. Reed: For next year.

Hon. J. A. Taylor: Yes. About \$4.4 million for renewables and \$2.5 million for solar.

Mr. Reed: But those estimates have not come before us yet, as the minister well knows.

Another very interesting thing is that in other jurisdictions, particularly the United States and the ERDA program—the Energy Research and Development Agency program—a commitment was made to the development of renewable resources. Goals were set, and as a matter of fact, in the United States, federally, a goal was set that by the year 2020, 25 per cent of the energy mosaic, or the energy makeup of the United States, should come from solar energy.

Up to and including the ministry's most recent assessment of the energy picture, solar energy was put much further back on the backburner than that. For that reason, I am pleased to see the member for Mississauga North bringing it forward.

There are a couple of other considerations. I would not like to express so much as concerns, but when the ministry is considering legislation of this kind they should add these into their deliberations. One is that to exempt the solar retrofit on an existing home tends to discriminate against the home that is solar-oriented or solar designed, as you talked about, that is the passive solar system.

[5:00]

I think it's in the best interests of us all to encourage the changeover in construction to homes that are solar oriented, because we know the passive solar home is now an economic reality. In spite of the fact that we've got economic fringe problems with solar retrofits, we don't have such economic problems with solar orientation. We know that if we can design and build a home—using two by sixes in the walls, and insulating the north wall, and the berms, and the evergreen trees on the north side, and the deciduous trees on the south side, and the overhangs, and the trombe walls and so on—all which the member for Mississauga North referred to, there is a very positive cost recovery connected with those things simply because they do not necessarily add substantially to the overall cost of the home.

We also know that solar orientation, in a passive system, can reduce the demand for

energy in the home by upwards of 50 per cent. So I ask when this kind of legislation is being considered, incentives to get the builder and the home buyer into the business of orienting new house construction in this way be also considered.

One of the suggestions that might be valid and worth considering would be an energy rating for every home in the province of Ontario. An energy rating could be included in the listing of a house by a real estate agent. That would be an official rating, probably determined by CSA, as they do various kinds of equipment. That energy rating might apply to every dwelling in the province as requested by the owner. Certainly the value of the home would be reflected to an extent in its energy efficiency or in the amount of energy we've got to expend per square foot in a given dwelling.

I think this is the kind of progressive step we look forward to as well.

I also inject this note of caution: One of the things we found out recently is that some of the retrofit panels that are constructed at the present time are in sum energy-negative. That is, the energy required to produce the equipment is greater than the possible recovery over the anticipated life expectancy of the hardware.

Whether this is actually important at the present time or not I don't know, because we're still in the process of the research and development of this equipment. But it is a fact, and it's probably a caution that should be considered, that some of this hardware actually takes more Btu's to make than are going to be recovered.

It is a further substantiation, of course, for the conservation. I don't think we can apply ourselves to this kind of consideration without the same kind of vigorous approach to conservation. I have told representatives of Ontario Hydro and the Ministry of Energy before that we have a tremendously long way to go in terms of our potential for conservation, particularly with our electric power system. When you consider roughly 50 per cent of the power production at the present time is used for low-grade heat, the potential for conservation is enormous.

So let's look at the broad picture when we're considering this kind of incentive.

Mr. Acting Speaker: The hon. member's time has expired.

Mr. Reed: Thank you, Mr. Speaker. Simply in conclusion, I would commend the member for this resolution, and he certainly has my support.

Mr. Samis: I too rise in support of this resolution. We, in this party, have consistently

supported greater emphasis on any and all forms of renewable energy. We have had grave reservations, I must point out Mr. Speaker, about the policy of this government to rush headlong into the expensive and expansive nuclear option to the extent that it has for the remainder of this century, and obviously for this decade as well, without giving what we would regard as attention to other and alternate sources of energy.

We obviously would support any form of assistance to people seeking to install solar heating. We think it is worthwhile, beneficial and laudatory. But I must tell the member from Mississauga I do have some reservations and some concerns about this resolution. First of all, it is a fact of life that over 99 per cent of our residents today do not have any form of solar heating. They rely on the traditional forms of home heating. It's my feeling we should be doing a lot more to make those existing heating and insulation systems, more efficient and more effective than we are presently doing. I have grave concerns about the cost of the conversion process for retrofitting. The cost of installing a solar heating system would be a limiting factor for people on lower, limited incomes. I have a fear the people who would benefit most from this resolution would be those who are able to pay for it in the first place. Those who couldn't afford the initial outlay because it would be beyond their means, would not even proceed to install any form of solar heating. I noticed a pamphlet put out by a company called Solartech Limited in which they estimate on the average, the present cost of insulating a hot air system to use solar heat would be between \$5,000 and \$6,000, and they emphasize that would only handle 50 to 60 per cent of the heating needs of the average-size house today.

I also noticed a statement by Dr. E. P. Cockshutt, energy co-ordinator of the National Research Council of Canada, in which he says it is highly unlikely there will be any large-scale source of solar energy in mass use before 1985. He estimates the average cost per home to install solar heating would be around \$10,000, not including the inflation factor.

I readily admit the pay-back factor outlined by the member from Mississauga has validity, but I want to emphasize that the initial cash outlay is considerable. I have grave doubts, that this resolution would benefit the vast majority of people in Ontario. They would have to go into debt. Solar heating in our view, is certainly a viable alternative but not all the problems have been worked out yet, especially when we

are talking of general usage. It is not a cheap or economical alternative at the present time for the average person in Ontario.

I question how much money we are presently spending in this province in the field of research into solar energy and other forms of renewable energy. You might ask, Mr. Speaker, if it is around \$100 million; nay. You may say, well maybe \$50 million; nay, again. In total desperation, you may ask if it is around \$5 million; and I have to inform you nay again. In 1977 we are only spending \$4.4 million on research into all forms of renewable energy, and only \$2.5 million on solar.

If there was ever a need to spend money to ensure that solar systems become viable and affordable, and I emphasize those two points, on a general basis, it is in this field of research. The minister may claim we are spending 492 per cent more this year than last year, but that is only an indication that what we spent last year was an absolute disgrace and virtually non-existent.

I compare what is being done in the province of Ontario with what the new administration has proposed in the United States. Most people would acknowledge that the Americans are ahead of us in research and overall energy programs. In terms of solar heating, for example, I noticed President Carter has a proposal before the American Congress whereby there would be a \$2,000 tax credit; 40 per cent of the first \$2,000 outlay, and 25 per cent of the next \$6,000 to a maximum of \$2,000 in total. That is on top of the proposal they also have for a general home insulation program, where 25 per cent of your first \$800 spent and 15 per cent of the next \$1,400 spent would be eligible for a tax credit.

I want to get back to the question of insulation, but the fact is the Americans are ahead of us. They have taken two important initiatives in terms of solar heating and general home insulation.

I was rather interested to read that in Michigan the public utilities have a program of their own whereby for someone interested in solar heating they sponsor a loan program if an individual wishes to retrofit or install some form of solar heating. Once installed, the home owner repays the loan on his monthly bill. Obviously, when the loan is repaid the bill is reduced because the costs have been reduced.

While repaying, even though you have to repay the capital and pay your interest, your costs have not really increased because your fuel consumption has been considerably reduced. Consumers' Gas has a similar program

in this province, but I think it only covers something like 1,500 homes in the province. I was rather disheartened to read that they charge their customers an exorbitant 18 per cent on that program.

Let me say, Mr. Speaker, we can never accept such an exorbitant rate. We would prefer to work in conjunction with OHARP for those who are less affluent and leave it to the private sector for those who can afford to pay the rates and interest charges being levied by the private sector.

One key point I really want to emphasize, Mr. Speaker, is the insulation program. I remember this government promised during the last election a major initiative, and since then it has been cancelled, shelved, buried and forgotten.

Hon. J. A. Taylor: Why?

Mr. Samis: "Why?" the minister asks. There are a number of circumstances that have changed the situation. I think that was a terribly short-sighted decision. I noticed the minister was criticized on all sides and by all newspapers and by all observers on this particular question. This decision means increased heating costs to Ontario consumers this year and for upcoming years. It is contributing to greater consumption in this province and a greater waste of precious non-renewable energy resources. They leave it all to the feds, yet at the same time they criticize the feds because it leaves out 75 per cent of Ontario's housing stock. They admit and we all admit it is a patchy, inadequate, rather hastily-arranged program that was foisted on the provinces.

The decision was short-sighted, in that the original program proposed by the Minister of Energy did not include grants anyway. It involved low-cost loans to home owners. So when the Treasurer (Mr. McKeough) talks about a \$5 million saving, really we would have had that money back, not at the same interest rate as some other investments quite possibly, but still the fact is that money would have come back to the province. We would have made significant changes in that program to make it more available to home owners. We would have worked in liaison with the municipalities through OHARP, and we would have injected \$100 million into the program to cover 100,000 homes in Ontario, because much of it would have been in the form of low-interest loans, which obviously would have been repaid, enabling us to have insulated 200,000 homes by the year 2000.

I am not totally blaming the minister, because I think the Treasurer wielded the

mighty axe on him, and although he is not known for his compassion or his progressive views on a variety of matters—

Mr. Reed: That is a sore point.

Mr. Samis: —I think the minister's heart was in the right place.

Mr. Reed: You couldn't have gotten it through the Hydro Commission.

Mr. Samis: The program was inadequate. But the axe was laid upon him by the Treasurer. We wonder how it is that \$5 million is so important to the Treasurer when we can do all sorts of other things. We can spend \$9 million on an industrial waste land called Edwardsburgh in eastern Ontario that nobody wanted. We can spend over \$250 million on a Pickering or a Townsend or other things of that sort. We can waste \$20 million on a completely unnecessary election. We can give the corporate sector over \$500 million in tax credits—

Mr. Kerrio: That's a low blow.

Mr. Samis: —tax breaks and tax incentives in the last three years. We can spend \$5 billion on a Darlington project. We can spend all this money, but we cannot find \$5 million for an insulation program, and we can only give \$4.4 million for research into renewable sources of energy. The priorities are out of whack, Mr. Speaker, something is wrong somewhere.

As I say, I would support the principle of this resolution. I think it is a forward move, but I really want to emphasize that I would like to see this resolution implemented in the context of a proper home insulation program, a meaningful research program into renewable sources of energy and some sense of a meaningful conservation program, not separate from those three considerations but in the context of those other three. Thank you, Mr. Speaker.

Mr. Gregory: Mr. Speaker, I am pleased to speak in support of the resolution introduced by my colleague, the hon. member for Mississauga North. We have been living with the rhetoric of the energy crisis since 1973, and while there may be disagreement on its severity or the number of years we have before our unrenewable resources run out, there is general agreement that the time for specific action is now.

[5:15]

Mr. Swart: Don't worry about farm land; they wait until it happens.

Mr. Gregory: You're even heckling me on this one, Mel?

Mr. Swart: I just got in.

Mr. Gregory: This resolution seeks to have the government eliminate increases in property tax assessment for persons who install solar energy systems in their places of residence.

Solar energy is not a new concept. It has fascinated men for years, and experiments in its use have been going on for generations. Both serious scientists and determined amateurs have discovered various ways of tapping this potential source of unlimited energy. Until now, these methods have remained in the background of public attention, treated as rather fascinating, but basically impractical information.

The events of 1973 have changed that attitude considerably. We have for many years operated under the belief that there was enough gas and oil in this country to provide for all our needs for centuries to come. Now, almost overnight, we find that within our lifetime those supplies may run out. Experts do not agree on the time frame, nor do they agree on the amount of reserves that remain, but they do agree that we need to begin now to find alternatives.

We in Ontario, have always considered ourselves—and I think it's fair to say we have been considered by others—to be one of the have provinces. When it comes to energy, however, we find that, with the exception of uranium, we are one of the have-not provinces. We must import into Ontario approximately 80 per cent of our energy. That should surely indicate that any step we take to develop alternative sources must be considered in the public interest.

I would like to deal briefly with some aspects of solar energy.

Just as the sun itself has generated a powerful mythology, so too solar energy has become clouded by a firmly held but poorly founded set of beliefs. It is said solar energy is too diffuse to achieve the power needed by a modern energy-intensive society. It is said it is impractical because it is unavailable at night and on cloudy days. It is also said the equipment is too expensive.

On examination, these arguments against solar energy do not bear up. If we look, for example, at our present means of heating our homes, we find that we burn oil at temperatures of approximately 500 degrees Fahrenheit to produce 70 degrees of heat in our houses. We are using high quality energy to accomplish a task that could be accomplished just as well by a low quality energy source. We are, therefore, heating our homes in an inefficient way.

Solar energy operates the other way around. Solar energy reaches the earth at rather low

temperatures in comparison to conventional energy sources, and is suitable for tasks such as heating water or space, which require low quality energy. Most of us, at one time or another, have used a magnifying glass to concentrate the sun's rays on a piece of paper. We know that such a method will sufficiently increase the temperature to burn the paper. This is the basic principle of solar heating systems, and it is one which, from a thermodynamic point of view, is much more efficient than our current systems are. Added to that benefit is the fact that this kind of heating can be used without chemical combustion and the release of harmful chemicals into the environment.

The matter of storage is of concern to many who want to know what happens during those times when sunlight is not available. There are a variety of methods, already devised, by which solar energy can be effectively stored for several days. By using a combination of solar energy and conventional energy sources to provide heat as needed, people get the best mix of the two, and yet have gone a long way to help conserve our non-renewable sources.

It is interesting to note that solar energy has been successfully utilized in the past. A solar still for producing fresh water from salt water, covering 50,000 square feet, was built and operated in Chile in 1872. A solar steam-engine ran a printing press at a Paris exhibition in 1878. A four and one-half horse power solar steam engine was operated in Pasadena, California, in 1901.

Mr. Reed: It's a good idea for a still.

Mr. Gregory: Did I give you an idea for a still there, is that what you said?

Mr. Reed: We were worried whether he would try it.

Mr. Gregory: A 20-horsepower engine was operated in St. Louis in 1908, and a 50-horsepower engine pumped irrigation water from the Nile in 1913. So the use of solar energy is not a frivolous dream, but a realistic and practical possible answer to some of the problems we face today. For the householder, the purchase of a solar heating unit could immediately begin to reduce his fuel bills and also relieves him of the spectre of constantly rising bills in the future. It enables him to establish a hedge against inflation by allowing him to invest in a product that will retain its use in the inflated future. Unlike oil refineries or nuclear power plants, solar systems are relatively simple to construct and would create a demand for diverse kinds of labour.

I believe any measure we can take as a government to encourage the development of alternate sources of energy is a measure that will repay us all amply in the years ahead. This resolution is one that will not cost the government money, but is one that can produce much benefit to our communities. No one is suggesting that solar energy is the only answer to our energy needs, but it can be part of the answer and I strongly support my colleague's resolution in this regard. Thank you very much.

Mr. Blundy: Mr. Speaker, I certainly appreciate you recognizing me when I was not in my seat. It shows that there mustn't be many speakers on this particular bill.

However, Mr. Speaker, I would like to compliment the member for Mississauga North on having the initiative to bring in this resolution. We in this chamber today probably don't realize how truly significant this resolution could be to the people of Ontario a few years from now when we will all be faced with the need to reassess how we are going to be using energy in Ontario and particularly how we as individuals, are going to be using energy in our homes.

I personally believe that we are going to see a great deal more of solar energy devices in Ontario homes. But it isn't going to come if we all just sit back and say we think it will happen. In order to really give the impetus to this sort of thing, to put the stamp of approval on this sort of heating, to really do what we can to encourage people to do this, then there's going to have to be more done than what is proposed by this resolution. I am not in any way cutting down this resolution. I think this is a very good first step and has brought this matter now to the attention of this House, hopefully to the attention of the government and I really do hope to the attention of the people of Ontario.

Solar energy is going to be a part of our future. I know that it is going to have to be preceded by encouragement on behalf of all three levels of government. This government of Ontario is going to have to, as the member for Cornwall (Mr. Samis) so aptly said before, increase its commitment and its funds to research. The idea of solar heat is a relatively new concept. Some people of course, are very familiar with it, but there must be research. Then there must be education promulgated for the public to understand and fully appreciate what this can do for us. We know that the fossil fuels are going to continue to increase in price and perhaps become more scarce in the years to come.

The sun, of course, is one of the answers at which we must look.

But I would like to state that in supporting this resolution, I hope I can put across to the government that there must be more research; technology must be more clearly defined; there must be a good deal of experimentation that is discernible to the public. This alone will help bring solar energy into wider use.

I want to say one thing that carries this idea a little bit further. It is something in which I have been interested and I would like to bring it to the attention of the government and the member for Mississauga North—wind energy. We in southern Ontario live in an area which is much influenced by the Great Lakes system. We, in southwestern Ontario, have one of the highest incidences of consistent winds, of varying degrees of force. We have winds almost continuously in southwestern Ontario.

I happen to live in the grandest place in Ontario, right on the beach of Lake Huron. Never a day goes by but there is a wind of some degree of force there.

This brings me to the second point I want to make. It is one thing for all of us to determine we want to support other sources of energy, such as solar energy suggested by this resolution, and wind energy and so forth; but it is another thing to prepare ourselves for it. When I say prepare ourselves for it, I am thinking about matters that would be within the purview of all three levels of government—federal, provincial and municipal.

For instance, a few minutes ago I mentioned wind energy. If I wanted to build a 100-foot windmill on my property at the lake, which is in an R-1 area, I couldn't. The zoning bylaws of the city and the province would not permit it, there is no question about that.

There are certain solar devices that may not be permitted by our building codes as they now stand. The siting of the house on the lot, which my hon. friend mentioned before might be so very important to the full use of the sun in heating the house, might not be possible under some existing zoning bylaws.

We must, on all three levels of government, show so much interest in developing alternate forms for heating our homes and our other buildings that we are prepared for the implementation of these heating systems. Right now I would have a tough time supplementing the heat of my home by the ever-generous wind blowing off Lake Huron because

I couldn't build a windmill on my land; they wouldn't permit it.

Similarly, you can see I might build a solar energy panel on my house to take advantage of that form of heat to supplement the heating of my house, but I would have no protection in the event my neighbours might plant trees on their side of the lot line that would detract from or eliminate those precious rays of sun so necessary to my equipment.

[5:30]

All I want to say, Mr. Speaker, is that I personally believe in this. I think the government of Ontario should do everything it can to encourage solar heating. We should look at the whole package and how it is going to fit into our lives, because it is a new way of doing things. It is going to require new types of building and so forth.

I support the matter of eliminating increasing the property tax assessment because these things are done. In a few simple words, I hope that because of this debate in the House today, and because of the many very interesting comments that have been brought up by the others who have spoken, that there will be a new foresight in this field and that the government of Ontario will help its people to appreciate what solar heating can do for us in the province of Ontario.

Mr. Speaker: The hon member for Windsor-Sandwich.

(Applause)

Mr. Bounsall: Thank you, Mr. Speaker and members of the House, for that welcome this afternoon. My next remarks will be even more welcome, because I intend to speak very briefly on this resolution.

In speaking to this resolution I might say that anything that reduces the increase in property taxes on any energy device should be supported. I find the bill a little limiting in its scope in that it only deals with solar energy devices. I'm sure the member introducing the resolution, the member for Mississauga North, has heard this from other speakers today. A bill of this sort, which purports to reduce any increase in property assessment as a result of instituting this particular energy device, should be extended to all other energy-saving devices. However, I will quite gladly admit that a solar energy device often results in much more substantial changes to the house which would result more obviously in higher property tax increases than any of the other devices that one might think of installing. Nonetheless, if any other energy-saving device, apart from a solar-energy device, was added to a piece of

property which would therefore increase the property taxes thereon, I would be in favour of seeing the principle extended to all of those devices as well.

There may well be across Ontario—it's not too applicable in Windsor, where I come from—areas in which wind energy devices would be appropriate for installation and help considerably in providing energy. I would hate to see a municipality, particularly as we go to market value assessment, end up penalizing the person by increased property assessment to it.

The resolution, if one wanted to speak for a considerable time on it, lends itself very easily to lengthy discussion in that it opens up the whole area of property assessment. It also opens up the whole area of energy. I gather previous speakers have talked about the type of research we should be continuing in all sorts of substitutes for our normal energy sources. Wind energy is obviously one. I can go on at some length, at the merest suggestion that I do so, on systems we should be using to replace our natural gas systems as they tend to dry up.

The electrolysis of water with the production of hydrogen and the subsequent burning of that hydrogen is a very obvious one. We're only a few years away from achieving the technology to make this economically feasible. I've spoken many times about Ontario getting into the technological development of this area so that it would own the patents on it and have the patent rights flow to the province as a result of this technology being developed and put into use. However, I won't speak any further on that, although the resolution does open up this entire area.

The other area which the bill opens up is the discussion of property taxes. We could outline again our policy for the shift away from property taxes, property taxes being an inequitable tax even with the rebate which the Ontario government provides. One has done the calculations over on this side, and there is still a retrogressive tax—not as much as without the property tax rebate but nonetheless still a retrogressive tax. We could outline our party's doctrine and attitude towards the property tax and its elimination, and a shift from that property tax to a fair income tax scheme which the province of Ontario through a rebate system can really effectively control.

But on the face of it, the bill says if you take your residential property and install solar energy devices—which in many cases would make quite substantial changes to the residence, changes which would, because of the capital cost of solar device installation,

increase the market value of the house—there should be no increase in property tax. That principle is one which I can very readily support, and I will certainly be voting for this resolution at the appropriate time later this afternoon.

Rather than going into more detail on energy points or attitudes towards property tax, I will end by saying that I will support this bill, even though I find it rather limited in scope. I would have hoped the member would have cast the net a little wider in the framing of the resolution. Nonetheless, I can vote for this resolution as it stands. Thank you.

Mr. Ashe: Mr. Speaker, I rise in personal support of the resolution put forward by the hon. member for Mississauga North.

Mr. Reed: Oh make it government policy, not just personal.

Mr. Ashe: The reason I say that is because the ministry of which I am the parliamentary assistant does have a few concerns. The reason they do was probably—

Mr. Reed: Here comes the hooker.

Mr. Warner: Here's Darcy's message.

Mr. Ashe: —touched upon by the hon. member for Windsor-Sandwich when he said the bill was too specific. I think that is one of the pluses of the bill, because if you widen it, where do you stop?

Mr. Bounsall: You don't.

Mr. Ashe: You could put into the same category storm doors, storm windows, double-glazed windows, et cetera. I am not sure the municipalities, which derive much of their income from said assessment and said taxation—

Mr. Swart: Practically all of it.

Mr. Ashe: —would be very happy with that particular decline in their sources of revenue.

Mr. Warner: We are not happy with you.

Mr. Ashe: So, while we are supporting this particular resolution because of its energy conservation, we have to encourage municipalities to also be in support of the principle, albeit they will pay the price for a few years by their endorsement and encouragement of this policy.

My own concerns relating to the program would be more on the basis of implementation. I don't really feel it would be—

Mr. Reed: I thought the government was finally for it?

Mr. Ashe: —equitable, for example, to have a permanent exemption. At the same time you have to have some appeal to a particular or prospective home owner that

would make it attractive to consider this form of energy. An exemption from increased assessment for a prescribed period of time would probably be more equitable to his neighbours and fellow taxpayers, possibly something in the order of five or possibly as long as 10 years. But I don't think this kind of exemption from assessment, even on a portion of the structure, should be in perpetuity, because I don't think it would be very fair to the neighbours.

I think we have to be very careful. We all know that some people have a tendency to try to play games with exemptions of this nature. For example, they would look upon the installation of solar energy units and say that it is a very compatible necessity at the same time to add four more rooms on to their home and the total cost, therefore, should be waived in terms of extra assessment.

Once again, I think we would have to be very careful for the benefit of our taxpayers to make sure that any regulations or any legislation as such would be very definite in the areas of postponement of a portion of the assessment that only relates to the installation and the cost of installation of a solar system. I also think that at the same time, probably thinking administratively, it would be very difficult in many instances to actually arrive at an assessed value of a solar system whether it be a complete solar system or one that is designed to do a partial heating job in a particular residence.

Probably the most feasible and practical way, and the one that would give everybody an idea of what they are talking about, whether it be the assessor, the municipality or the prospective home owner or home renovator, would be to come up with some kind of particular table showing that if you have so many energy cells, or what have you, or relate it to the value, your exemption relates accordingly.

Mr. Reed: An energy efficiency rating.

Mr. Ashe: I think that would be the only area that would be equitable and would let everybody know where they stand right from day one. I don't think we want to add anything to our assessment procedure or re-assessment procedure that would cause more harangue and misunderstanding between home owner, the assessment department, and ultimately the municipality that is going to have to benefit or not benefit by any particular amount of assessment on a given property.

As I indicated at the start of my brief remarks, I will be supporting the resolution.

In principle, we should support and encourage, in all ways, people to look at alternate sources of energy and conserve the scarce energy forms that we now use in abundance. Yet at the same time, I think we have to recognize that anything that takes away a tax revenue means that it has to go somewhere else. So equity also has to be a prime consideration in drafting or enforcing any particular legislation.

In closing, Mr. Speaker, I congratulate the member for Mississauga North on his resolution and am looking forward to the vote of the House in that regard. Thank you.

Mr. Jones: Mr. Speaker, I would like to thank all those who participated in the—

Mr. Kerrio: Point of order, Mr. Speaker.

Mr. Speaker: If the hon. member for Niagara Falls wants to enter the debate he has one minute.

Mr. Kerrio: Thank you, very much, Mr. Speaker. I had better go, eh?

Mr. Jones: You missed the last one.

Mr. Laughren: Time off.

Mr. Kerrio: There was one very important point I wanted to make and I can make it in one minute. Any kind of bill that would allow us to bypass Hydro as a middleman—in this case instead of getting heat generated by hydraulic power we get it from solar power and tap that resource—I am for it. In this case, that is exactly what is going to happen. I am a little disappointed the resolution deals directly with residents because I think one of the very meaningful and really economical things that can be heated with solar heat is a pool. While there may not be that many in existence, many of them are heated electrically and I am certain that solar heat would be the route to go in that particular area. Thank you very much, Mr. Speaker.

Mr. Speaker: You are quite welcome. The hon. member for Mississauga North.

Mr. Samis: That's concentration.

[5:45]

Mr. Jones: Thank you, Mr. Speaker. I would just like to say that I appreciate the comments and participation of the various members of all three caucuses who spoke to the resolution.

I would like to just touch on one point of clarification for the member for Cornwall. He mentioned some concern that solar energy was some kind of an elitist matter and not a benefit he could foresee coming for people in low-income categories. This one particular study I referred to made comparisons, the one which said there was a 30 per cent saving on the cost period we were talking about took into account such things

as mortgage variables. In low cost housing the figures in one mortgage worked out at \$6,884. Admittedly, those are 1976 figures and would be increasing. It certainly took into account a very average home situation and the type of installation that could be a part of it.

I would also remind the House that these costs are being rapidly reduced to lesser figures than those of just a few short years ago.

There was some discussion that this resolution didn't embody some of the aspects of other renewable energy forces that the members would have liked to have seen discussed. I think we recognize that. Today we did deal specifically with the solar energy aspect, but that's not to say the government isn't equally concerned about other forms, such as wind. I'm looking at a clipping here—and again I refer to my riding—about some concepts that are being brought on stream for very practical use. I see the picture of the Minister of Energy as he opened the new concept in the riding of Mississauga North where wind units—

Mr. Samis: Did you get an eight by 12 over there?

Mr. Jones: —will be married up with generators. So that can be used. In fact on Centre Island there's a program his ministry is conducting right now which can be readily adopted for some of the northern and western areas where high winds prevail.

I would again like to thank the members who took part in the debate, to encourage all of them in their roles as members of this House and, since we've had a discussion on this resolution, to remind them we've a big job to explain and expedite public acceptance of solar technology in its total sum. I'd like to see encouragement of some of the many other areas we touched on. We touched on passive energy savings, some of which are very basic. We have new ones we know are available to us now at a relatively small cost, such as solar film for windows, radiation heat and some other vital areas we are going to have to turn increasingly towards, as we do in this resolution to the increased use of solar heat and its inducement.

Mr. Speaker: There are two questions to be decided by the House at this time.

SPECIAL EDUCATION PROGRAMS ACT

Mr. Speaker: The vote is on second reading of Bill 109, An Act respecting Special Education Programs.

Motion agreed to.

Ordered for committee of the whole House.

RESIDENTIAL SOLAR ENERGY SYSTEMS

Mr. Speaker: Mr. Jones had moved private member's motion 14.

Resolution concurred in.

BUSINESS OF THE HOUSE

Hon. Mr. Welch: Mr. Speaker, as per our custom, may I take this particular point this afternoon to indicate the order of business for next week.

On Monday the House will be in committee of supply. On Tuesday we have legislation; Bills 107, 112, 115, 113 and 110. Thursday afternoon we have ballot items in the names of the members for Kitchener (Mr. Breithaupt) and Sudbury East (Mr. Martel); Thursday evening we debate the report of the select committee on the Ombudsman. On Friday we have supply.

MUNICIPAL ELECTIONS ACT (continued)

House in committee of the whole on Bill 98, An Act to revise the Municipal Elections Act, 1972.

Mr. Breithaupt: Mr. Chairman, the member for Waterloo North (Mr. Epp) of course had expected to complete his remarks with respect to the matter of the three-year term, so that the vote could be put, and of course the House had expected that this matter would be continued at 8 of the clock. I am wondering if we could agree to call it 6 of the clock at this point so that we might return at 8 in order to deal with the brief comments from the member for Waterloo North that will complete that specific item.

Mr. Chairman: There appears to be agreement.

The House recessed at 5:54 p.m.

ERRATUM

No.	Page	Column	Line	Should read:
61	2276	2	45	five being 500 kilovolts and two being 230

APPENDIX

(See page 2752)

Answers to written questions were tabled as follows:

46. Ms. Bryden—Inquiry of the ministry: How much was spent by each ministry in the fiscal year 1976-77 for the services of private consulting firms and private consultants, giving the following detail: (a) name and address of firm or consultant; (b) amount of payment made; (c) subject of study; (d)

Ministry	Management Consulting	Technical Consulting	Total
Agriculture and Food	24.5	....	24.5
Assembly Office	48.0	....	48.0
Attorney General	391.1	12.4	403.5
Cabinet Office	30.8	....	30.8
Colleges and Universities	59.4	....	59.4
Community and Social Services	552.1	8.9	561.0
Consumer and Commercial Relations	270.7	93.5	364.2
Correctional Services	38.1	59.2	97.3
Culture and Recreation	197.8	17.4	215.2
Education	112.7	....	112.7
Energy	split not available		841.1
Environment	177.5	760.3	937.8
Government Services	78.5	4,474.4	4,552.9
Health	403.7	285.3	689.0
Housing	977.4	149.5	1,126.9
Industry and Tourism	654.6	....	654.6
Labour	91.1	.1	91.2
Management Board	478.5	....	478.5
Natural Resources	372.7	2,046.8	2,419.5
Niagara Escarpment	4.2	7.1	11.3
Premier's Office	3.4	....	3.4
Provincial Auditor .....	....	....	....
Revenue	30.3	....	30.3
Solicitor General	141.8	....	141.8
Transportation and Communications	14.4	7,318.3	7,332.7
Treasury, Economics and Intergovernmental Affairs	646.7	69.5	716.2
Justice Policy	3.8	....	3.8
Resources Development	248.9	7.5	256.4
Social Development	2.9	....	2.9
			22,206.9

All amounts refer to \$1,000.

The management consulting category includes organization studies, personnel studies, system/EDP studies, management science studies, as well as general management consulting assignments. Technical consulting refers to architectural, engineering, drafting geological and surveying services.

The question asked that each individual consulting study should be listed specifying the firm, service amount, subject of study and final report. To provide this tabulation,

title and date of report? [Tabled November 21, 1977.]

Answer by the Chairman of Management Board (Mr. Auld).

The following tabulation specifies the aggregate amounts spent for consulting services in 1976-77. It includes a total of \$854,789 paid to the management consulting division in the Ministry of Government Services.

the following steps would be necessary in each ministry:

1. Search the expenditure records for all payments made to consulting firms in 1976-77.

2. Reference each expenditure back to a program manager or a contract authorization file.

3. Access either the contract file or the program manager to identify the individual studies or projects, the name of the firm, et cetera.

4. Prepare the resultant tabulation.

Considering the thousands of individual projects and studies involved, some for very small amounts, it would require anywhere from 15 to 100 man-days of effort in most ministries to provide this detail. The overall cost would be \$55,000 to \$75,000 of which, at least 50 per cent would be incremental to current expenditures. That is, additional staff would have to be hired on a temporary basis to provide the detail requested.

Accordingly, on the assumption that the value of the detailed answer does not cover the cost involved, further information is not included at this time.

49. Mr. McClellan—Inquiry of the ministry: 1. Since section 8 of the Training Schools Act was repealed in January 1976, what new residential treatment facilities have been established, as the promised alternatives to training school, to provide mental health treatment to disturbed children and adolescents? What is the location, bed capacity and additional staff complement of each such new facility? 2. What specific plans does the ministry have for the establishment of additional mental health facilities for disturbed children and adolescents in 1977-78? What is the location, bed capacity and staff complement of any such new facility? [Tabled November 22, 1977].

Answer by the Minister of Community and Social Services (Mr. Norton):

1. No residential treatment facilities have been established as alternatives to training schools since section 8 of the Training Schools Act was repealed in January 1976, as residential facilities have not been considered as an appropriate alternative for disturbed children and adolescents. The purpose of the section 8 removal was to place disturbed children in community settings, which were felt to be more appropriate, therefore, the children have been placed at home, in foster homes, or group homes. In addition, a special committee for the hard-to-place children was established in December 1976, with a budget of \$171,000 to provide selective funding for hard-to-place children, and give additional support to meet their special needs. Thirty-three children have since been reviewed by the committee, and selective funding has been allocated for 11. A further eight cases presently in Whiteoaks are being reviewed by the committee prior to community placement.

2. On April 1, 1977, Whiteoaks became a mental health treatment facility, which, of course, did not represent additional bed spaces, but rather a re-emphasis of program to one considered more appropriate than the prior program. Plans are also under way to

provide for 16 children considered a danger to others in a secure treatment facility, while the Beechgrove facility in Kingston is projected at 16 new beds, of which six should be on stream for January 1978.

51. Mr. Warner—Inquiry of the ministry: Will the Minister of Health please provide the following information: 1. How many nursing homes inspectors have resigned since 1972? 2. How many hearings have been held before the nursing homes review board for each of the years 1972 to 1977 inclusive? 3. How many times has the nursing homes review board sat during the last three years (1975-77 inclusive) to hear recommendations of revocation? 4. How many people in 1977 qualified for extended care admission to a nursing home? How many were accepted into a nursing home? Of those who were accepted, how many had obtained the minimal points required, i.e.: 13 to 15 points, only? [Tabled November 24, 1977.]

Answer by the Minister of Health (Mr. Timbrell):

1. During the years 1972-77, a total of 19 inspectors have left the nursing home inspection service. This reflects a turnover rate for the six-year period of approximately 10 per cent per annum. In reviewing the reasons relating to these terminations, it is noted that 25 per cent left for promotional reasons and a further 25 per cent as a result of their unsatisfactory performance. The remainder left for reasons similar to those of nurses employed in other health care facilities, such as family responsibilities and health reasons.

2. 1972, 10; 1973, 1; 1974, 1; 1975, 1; 1976, 0; 1977, 0; total: 13.

3. One hearing was convened during 1975 to review a recommendation for revocation of licence. There have been no further hearings since that time.

4. (a) Nineteen thousand, two hundred and twenty-three people have qualified for extended health care benefits to date this year. This figure includes possible admissions to both nursing homes and homes for the aged. Separate figures for nursing homes are not available. There is no differentiation between the two types of facilities at the time eligibility for benefits is determined.

(b) To date in 1977, a total of 7,885 people have been admitted to nursing homes.

(c) To date in 1977, 1,531 people have been eligible with minimal point scores.

52. Mr. Warner—Inquiry of the ministry: Will the Minister of Government Services table an inventory of all provincially-owned vacant land located within the city of Metropolitan Toronto, and the accompanying ap-

praised "book value" of the lands? Further, will the ministry forward the information to the Minister of Housing so that he might make lands available to the city of Metropolitan Toronto solely for the purpose of developing housing? [Tabled November 25, 1977.]

Interim answer by the Minister of Government Services (Mr. McCague):

The complete answer cannot be obtained within the 14-calendar-days limit. This interim answer serves notice that the complete answer will be forthcoming as soon as the information has been obtained and compiled.

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Thursday, December 8, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 8, 1977

The House resumed at 8 p.m.

MUNICIPAL ELECTIONS ACT (continued)

House in committee of the whole on Bill 98, An Act to revise the Municipal Elections Act, 1972.

On section 9:

Mr. Chairman: We are dealing with an amendment placed by Mr. Epp.

Mr. Breithaupt: Just upon adjournment at 6 o'clock, in order to accommodate my colleague from Waterloo North, we had been in the situation of having his wind-up comments for this particular amendment. I am quite pleased to yield the floor to him at this time.

Mr. Epp: I thank the hon. member for Kitchener for yielding the floor to me. It's good to see the House full tonight, and the gallery is full. Obviously, the weather hasn't detained anyone, and hasn't prevented anyone from coming here with snowshoes.

Mr. Handleman: I wouldn't have missed it for the world.

Mr. McClellan: It's a great amendment.

Mr. Epp: Obviously, they are here to hear this speech of mine, which is going to take a brief few minutes.

Mr. Roy: I think the whip is going to have to get up and make a few speeches about cabinet ministers.

Mr. Breithaupt: They are batting 100 per cent.

Mr. Maeck: It is obviously a very important debate.

Mr. Epp: The other day, when I proposed the amendment, I neglected to mention that I should be referring to section 10, which also refers to the two-year term. That section should be amended. I note with interest that the member for Welland-Thorold (Mr. Swart) the other day used a very particular kind of logic I wasn't used to in my municipal politics. He indicated that if we are going to have a three-year term, then the civil servants in the municipalities would have a strange power over the elected people, they would be able to influence them unduly; but if they were elected every two years—

Mr. McClellan: My alderman is George Ben.

Mr. Epp: —and elected on a continuous basis, this power would somehow disappear. It would be there for a three-year term but not for a two-year term. As I indicated, that is a strange kind of logic; nevertheless, it was made available to this House. There was a point made that the more money spent for elections, the more accountability there would be. With five elections in 10 years one spends more money, therefore there is more accountability because it is going to cost more money.

What we are really talking about is some kind of balance for people electing representatives to municipal councils. Whereas we thought four years would be too long and five years is obviously much too long, though it is common to both the federal and provincial Houses; we felt that three years was a reasonable balance. That's one reason we brought in that amendment.

The hon. members wouldn't let me forget this unless I read into the record some comments that were made on November 15, 1977, in this House by some of the hon. members to my left. I sometimes wonder whether they were the same members who were in the House the other day—

Mr. Breithaupt: I think they were.

Mr. Epp: —and of the same party, when we were discussing this only two days ago. The member for Scarborough-Ellesmere (Mr. Warner) said on page 1905 in Hansard: "I know the member for St. George (Mrs. Campbell) is aware of the feelings of the municipal politicians of Metro Toronto on the matter of voting in October. That brings me to a very serious matter as it relates to Metro Toronto, and perhaps the parliamentary assistant can give us some words about it. You have decided in the bill, contrary to what the majority of politicians of Metro Toronto want, that you are not going to have a three-year term. There may be some logical arguments that you can string together as they apply to the entire province of Ontario, and we may be willing to accept them, but I would like to know on what rationale you base not having a three-year term as it

would apply to the large urban centres such as Ottawa, Hamilton, Metro Toronto and others, because, as you are well aware, the complexities of municipal affairs in these urban centres require some long-range planning."

Mr. Roy: Did the member for Welland-Thorold hear that?

Mr. Swart: Sure, that's why we said to look at the regional bill.

Mr. Epp: "They are of a magnitude which demands a prolonged period of time, and two years simply isn't good enough."

Mr. Roy: Is that a member of the NDP caucus?

Mr. Breithaupt: I think so.

Mr. Epp: That's what the good book tells me. He said: "If the government is determined it's going to stick with the two years, no matter what anybody in Ottawa, Toronto or Hamilton says, no matter what Mr. Roberts says, or anyone else for that matter, then I would like some indication tonight as to whether you are going to change your mind when it comes to"—speaking about changing minds, eh?—

Mr. Conway: Sucking and blowing at the same time.

Mr. Epp: "—the legislation pertaining to Metro Toronto," et cetera.

Mr. Roy: He must have been talking to his critic.

Mr. Epp: Obviously, he's had a great deal of influence on him.

Mr. Conway: It sounds like the member for Wentworth (Mr. Deans) on EMO.

Mr. Chairman: Order, please. The member for Waterloo North has the floor.

Mr. Epp: I want to draw the hon. members' attention to the speech which is registered on page 1907 in Hansard. It was given the same evening by a member of the same party.

Mr. Roy: Who is he?

Mr. Epp: This is the member for Windsor-Sandwich (Mr. Bounsall). He said: "What we need very much in this legislation"—that's the same legislation—"which should be amended to accommodate it, is a clause enabling the municipalities, whatever their size, to choose what length of term they are going to have."

Mr. Swart: Do you believe that?

Mr. Roy: That's what Hansard says.

Mr. Epp: "It will be no surprise as the large municipalities choose the three-year terms and no surprise," et cetera about the two-year terms. "That is what should occur

very much in this bill. This would satisfy all the municipalities across Ontario to the detriment of no one that I can see in the province."

Mr. Roy: What was the date of that?

Mr. Epp: November 15.

Mr. Roy: Of this year?

Mr. Epp: Not 1877, but 1977.

Mr. Swart: It was the same night as the member for St. Catharines (Mr. Bradley) spoke.

Mr. Conway: You are caught with your pants down.

Mr. Breithaupt: It was a long time ago.

Mr. Epp: He goes on to say: "I am sure this is a correct reading of what the elected officials of municipalities would very much like to see, namely, for financial and planning reasons, the large municipalities going to the three-year term," et cetera. There you go.

Mr. Breithaupt: Reason enough.

Mr. Epp: Among some of the correspondence I have received recently, there is one letter from the regional municipality of Niagara.

Mr. Conway: There is one thing about the socialists: Both sides of their mouths are well worn.

Mr. Epp: It says: "I understand that the Municipal Elections Act, 1977, will be before the Legislature in the near future and I wanted to be sure that you were aware that the regional council supports a three-year term of office for municipal councils." That was by John Campbell, chairman of the regional municipality of Niagara.

Mr. Swart: Read the part about the October election.

Mr. Epp: Then there was another. If you read the paper, you will notice that Peel also wanted it.

Mr. Roy: You know, the funny part is that he is not even embarrassed.

Mr. Swart: Not a bit.

Mr. Conway: No shame.

Mr. Chairman: Order.

Mr. Epp: Everybody in this Legislature votes according to conscience and not according to what the critic in that area suggests, and I would recommend then that everyone vote for the three-year term.

Mr. Conway: Mel would have it for four years.

Mr. Chairman: Are there any other members who wish to speak to this amendment?

Mr. Roy: The member for Welland-Thorold should get up and apologize now.

Mr. Conway: He's trying to suck and blow at the same time.

Mr. Roy: Oh, he's going to apologize.

Mr. Swart: Never.

Mr. Conway: Let's have an apology.

Mr. Chairman: Order.

Mr. Swart: For one minute, I just want to say that the member for Waterloo North read very selective parts. We have made it clear in this House, I and my colleagues, that if we are going to talk about a three-year term, that should be considered in the bills for the regional municipalities or the Metro municipalities, and that we should not in a general bill force down the throats of the rural municipalities a three-year term on a general basis when they don't want it.

Mr. Roy: We will give them a two-year term. A lot of hogwash.

Mr. Swart: And that is the reason we are opposed to this.

Hon. Mr. Grossman: I agree with him.

Mr. Roy: Grovel, grovel.

Hon. Mr. Grossman: Am I agreeing with him?

Mr. Foulds: I think you are.

Hon. Mr. Grossman: Why didn't you tell me before I came in?

Mr. Swart: You are moving up, Larry, you are moving up.

Mr. Chairman: Order. Are there any other members wishing to speak to this amendment?

Mr. Conway: Where is Mr. Warner? He might have another amendment.

Mr. Chairman: Order. Mr. Epp moved that the bill be amended as follows: "Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be three years, commencing on December 1 in an election year."

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

It is stacked.

On section 10:

Mr. Ashe: Mr. Epp has the same amendment and I would hope we don't need the same debate all over again. We can just stack that one the same.

Mr. Breithaupt: Mr. Chairman, as I recall there were certain amendments to be placed by the member for Welland-Thorold with respect to section 9. Are these matters now all attended to with respect to the details

of dates and the other changes that the member for Welland-Thorold had suggested or are we to deal with those matters? I am just inquiring.

Mr. Swart: Mr. Chairman, I would point out if he would consult with the member for Waterloo North, he would find that I gave a list there of amendments that we are withdrawing and the amendments that are still left.

Mr. Breithaupt: Thank you.

Mr. Swart: Too bad you don't have consultation in the party.

Mr. Roy: Yes, you are really on the ball, Mel.

Mr. Conway: Good to have you here for the debate anyway.

Mr. Chairman: Order.

Mr. Ashe: Mr. Chairman, may I just point out that we found in committee this afternoon that the Liberal critics sometimes don't communicate with their House leader and/or their party leader.

Mr. McClellan: Especially their House leader.

Mr. Roy: They show up in the House anyway.

Mr. Breithaupt: I appreciate the comment from the parliamentary assistant and I will certainly deal with it as best I can.

Mr. Chairman: Order. We are discussing Bill 98. Are there any comments or amendments to section 10?

Mr. Epp: Mr. Chairman, I indicated earlier that the amendment I was putting forth would apply to both sections 9 and 10.

Mr. Chairman: We dealt with the matter affecting section 9 and now we are going to section 10. Do you want to place an amendment to section 10?

Mr. Epp: It is the same amendment.

[8:15]

Mr. Foulds: Read it.

Mr. Chairman: Mr. Epp moves that section 10(1) be amended to read as follows: "An election shall be held in accordance with this Act in each municipality in the year 1978 and in every third year thereafter for the purpose of electing persons to offices."

Mr. Handleman: I think we should debate

Mr. Chairman: Any comments?

Interjections.

Mr. Chairman: Order? Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Mr. Breithaupt: Stack that amendment, Mr. Chairman.

Interjections.

Mr. Chairman: Order.

On section 11:

Mr. Chairman: Mr. Ashe moves that section 11 of the bill be amended by adding thereto the following subsection 2: "Where polling day as specified in subsection 1 falls on a holiday, polling day shall be the next succeeding day that is not a holiday, but the day for the undertaking of any other proceeding pertaining to the election shall not be affected thereby."

Mr. Breithaupt: I was only going to refer to the fact that the day involved is November 11, Remembrance Day. The parliamentary assistant might be able to advise us as to when in the next years November 11 in an election year might fall on that day. Is it going to be fairly common or will it be a rarity that we will have to involve the use of this subsection?

An hon. member: Oh, my goodness, a spirited speech.

Mr. Ashe: Mr. Chairman, under the present legislation, at a two-year term, it will happen once in the next decade and a half, namely in 1985.

Mr. Roy: Yes. But you said you would change it, before then to three years.

Mr. Ashe: Yes, I was going to get to that. If there is a subsequent change, that schedule can change. In any event it does not happen on any regular basis. It would appear about once every decade under either situation.

Mr. Swart: We had looked it up in our caucus. We knew this to be the case and have decided that we have no objection to this amendment to the bill.

Mr. Roy: Love him! Mel will be running still in 1999!

Mr. Foulds: Long after you are gone.

Hon. Mr. Grossman: He could be dead by then, but will they know?

Mr. Chairman: Order.

Motion agreed to.

Section 11, as amended, agreed to.

An hon. member: That must be one of your AMO speeches.

Mr. Roy: One of my old ones?

On section 12:

Mr. Chairman: Mr. Swart moves that section 12 be amended by striking out "and ending on the second Tuesday in October

in an election year" and inserting in lieu thereof, "in an election year and ending on the Friday in October that precedes election day by 17 days."

Mr. Swart: The intent of this amendment is rather clear, Mr. Chairman, and I would hope it would be acceptable to all members of the House. It simply provides that instead of the cut off date for residents able to participate in an election being 30 days prior to election day, it would be 17 days prior to an election day.

And 17 days is made deliberate because the 17th day before election day is the last day for the court of revision. Therefore, it gives greater opportunity for people who move into a municipality to be able to vote in the municipal elections.

I would point out in support of this that in the provincial elections a person may vote in a constituency if he or she is 18 years of age or a Canadian citizen or a resident of that constituency by election day. There isn't even the 17-day cutoff time ahead of election day.

When our provincial elections give that kind of opportunity, it seems somewhat unfair that anyone who moves in, for instance, 29 or 28 or 27 days before the municipal election should be deprived of a vote. The only reason I make it 17 days, instead of right up to election day, is the hope that the House will go along with it. It is the last day of the court of revision so they could have their name legitimately on the voters' list and vote in the municipal election.

I say it is a reasonable proposal and I'd hope perhaps even the parliamentary assistant might be willing to accept it. If not, I would hope the members on the right of us would be willing to support this.

Mr. Deans: They probably can't see the value of it.

Mr. Chairman: Any other comments on this amendment?

Mr. Ashe: We'll agree to the amendment. Motion agreed to.

Mr. Deans: You should have waited. I think they were going to oppose it.

Mr. Conway: Jim, do you realize they are selling out the store over there?

Mr. Chairman: Mr. Epp moves that section 12(b) of the bill be amended by deleting at the end thereof "or other British subject."

Mr. Deans: Here they go. They want to disenfranchise all these people.

Mr. Epp: Mr. Chairman, I think this amendment is quite self-explanatory. However, it should be pointed out that whereas

for many years we've had the condition that Canadian citizens and British subjects could vote, it's time some change was made. We recognize the fact only Canadian citizens should be able to vote in municipal elections.

I notice my colleague from Kitchener has an amendment to the Ontario Election Act for the province of Ontario that being a British subject should not be a condition of voting.

Mr. Conway: An excellent bill.

Mr. Epp: Only Canadian citizens should be able to vote.

Hon. Mr. Grossman: Get it on record. It's going to hurt you.

Mr. Epp: I note that all the hon. members of this House are aware that in the federal election,—

Hon. Mr. Grossman: It will help the Metro Toronto strategy.

Mr. Epp: —which is going to follow sometime next year, I expect—

Hon. Mr. Grossman: That will look really good to those groups in Metro Toronto.

Mr. Epp: —only Canadian citizens will be able to vote.

Mr. Deans: Do you realize the numbers of people who will be disenfranchised?

Mr. Epp: This amendment would then conform with the Canada Elections Act—

Hon. Mr. Grossman: I wouldn't disenfranchise all those people in Metro, but you guys go ahead.

Mr. Epp: —and would obviously conform with what my hon. colleague from Kitchener has to say—

Mr. Foulds: Yes, the Liberals want to disenfranchise all those people in Metro and throughout the province.

Mr. Chairman: Order.

Mr. Epp: The amendment we'll propose is with respect to the—

Hon. Mr. Grossman: Wait until Stanbury finds out. If Stanbury knew, there'd be hell to pay.

Mr. Epp: —Ontario Election Act.

Mr. Chairman: Order. The member for Waterloo North has the floor.

Mr. Deans: I agree. This is completely out of order.

Hon. Mr. Grossman: How does the member for St. George feel about it? Where's Margaret?

Mr. Epp: I know the members here will be interested in the debate—

Hon. Mr. Grossman: Where's your Metro caucus?

Mr. Epp: —that went on in this House—

Mr. Breithaupt: I've got enough things to worry about.

Mr. Epp: —only four short years ago.

Mr. Roy: Yes. Read what the Tory minister had to say then.

Mr. Epp: I was going to read another one first, but the member for Ottawa East has indicated maybe we should read what the hon. parliamentary secretary at that time, the Hon. Mr. Irvine, had to say.

Mr. Conway: He's now a museum piece.

Mr. Epp: —in Hansard, on May 24, 1974. You'll recall he was in the galleries today, it's too bad he's not here now. But what he indicated—

Hon. Mr. Grossman: Stanbury would have a fit if he heard this.

Mr. Epp: —on page 2448 was, and I want to quote, "Before we go into each member's concerns,"—

Hon. Mr. Grossman: It's the new Toronto strategy.

Mr. Epp: —"what we are doing here is an amendment"—and this is concerning the Municipal Act—

Hon. Mr. Grossman: That is how they are going to sweep Metro.

Mr. McClellan: They're right on the track.

Mr. Epp: —"which has been agreed upon by a great many people, not just the government itself.

"I would like to start off with the member for Kitchener, and I guess probably we could deal with quite a few people in this particular item of section 5(b) regarding the matter of British subjects.

"This matter was discussed with the Provincial-Municipal Liaison Committee and other people at great length and there are various views on it. No one had a firm conclusion as to whether it should be left in or taken out.

"I personally have some very strong connections with the British people. I certainly don't wish to see us sever any ties with them. I also have some very strong views in regard to Canadian citizenship. I think it's time that we stand on our two feet and say the qualification should be"—and I want to emphasize this—"a Canadian citizen.

I am not aware whether the government will support me on this particular item, but in any event I am making the statement and will be making an amendment."

Mr. Roy: The government did not support him. That's why he quit.

Mr. Epp: That was in 1974. I was giving the government a chance to bring in an

amendment on it at this time. Unfortunately they didn't.

My predecessor as the member for Waterloo North, Mr. Ed Good, stated in that same debate—

Mr. Roy: He was a good member.

Mr. Breithaupt: Excellent.

Mr. Epp: A great member, by the way, as members of the House know. He stated—and this is on page 2443 of Hansard, May 24, 1974:

"First of all, I think it is significant that when the Schools Administration Act was changed, in 1968 I believe when we went to county school boards, it was the present Premier of the province (Mr. Davis) who accepted the amendment in the standing committee that one of the criteria for a member of the school board is that he must be a Canadian citizen.

"This has been something which we thought at the time would over the next few years be followed up in all our general legislation dealing with elected personnel, and also the right to vote within the province. So I too am surprised to hear the present situation which gives the right to vote the Canadian citizens along with British subjects so opposed by a member of the government side, some six or seven years after it was first introduced into legislation in the province.

"We have been unable to get this idea across in any other legislation. When we proposed that the chairman of our regional government should be required to be a Canadian citizen, that idea was not accepted by the government. But it applies to members of the boards of governors for universities. We have had that idea accepted by this present government at three of the universities across the province; first at the University of Toronto, then at the University of Waterloo and recently at Western. So we find that it is a very gradual process.

"But I feel, as does the leader of my party, that we should be proud to be Canadian citizens. Anyone living in Ontario and wanting to participate in our democratic process should be proud enough of his country—after they have been here some time—that he or she should want to become a Canadian citizen. I see nothing that reflects anything on any British subject by saying that if they do not choose to be a Canadian citizen they should not be given the right to vote."

That was what the member for Waterloo North said in 1974.

Hon. Mr. Grossman: Don't apologize.

Mr. Epp: The reasons and the logic sup-

porting this amendment are obvious to the members of this House. It's also obvious that by including the British subject aspect in legislation, which is currently the case, that it's not a reciprocal agreement. In other words, there are many people who come to this country from other British colonies or from elsewhere in the British Commonwealth and who have the right to vote here, whereas the countries from which they come don't reciprocate and permit us to vote there.

Mr. Conway: Even Idi Amin. Can you imagine? He'd be on a Tory list somewhere.

Mr. Epp: He'd be here and in very short time he'd be able to vote.

Hon. Mr. Grossman: He'd probably vote for the member for Renfrew North.

Mr. Conway: Maybe he'd be in St. Andrew-St. Patrick.

Hon. Mr. Grossman: He wouldn't vote for a great democrat like me.

Mr. Epp: I think we should take into consideration the removal of this from the legislation to make it very obvious that we permit only Canadian citizens to vote.

Hon. Mr. Grossman: He disenfranchises people too. He is like you; you're birds of a feather.

Mr. Roy: As a young minister who is supposed to be with it, do you figure that is logical?

Hon. Mr. Grossman: You're going to declare them non-people, just like Idi-non-people.

Mr. Epp: I know that members of this House are mindful of the fact that there are many British subjects who have been here for 20 or 30 years and still have not taken the trouble to get their Canadian citizenship.

Mr. Breithaupt: It's damn near time they did.

Hon. Mr. Grossman: But not disenfranchise them.

Mr. Epp: I think this amendment would give some greater importance to becoming a Canadian citizen if the other aspect were removed from the bill.

[8:30]

Hon. Mr. Grossman: They are fine people. You are going to take the vote away from fine people. They should be entitled to vote.

Mr. Samis: Tell us about your riding.

Mr. Epp: As I indicated the other day when I spoke on the three-year term, a number of provinces, five in number, were in favour of the three-year term. I haven't surveyed all of them but I know that Manitoba,

New Brunswick and Saskatchewan all have the condition that people voting for municipal councils must be Canadian citizens.

Mr. Roy: Is that right? Does the NDP know that?

Mr. Epp: I would ask that this House endorse this obviously logical amendment to this bill to revise the Municipal Elections Act, 1972.

Mr. Swart: At this time, I would like to put an amendment to the motion which you have before you, Mr. Chairman.

Mr. Chairman: Mr. Swart moves that the motion by Mr. Epp to amend section 12(b) be amended by adding the following words and substituting therefor, "or being a person lawfully admitted to Canada for permanent residence has been resident in Canada for a period of not less than two years," so that the subsection will read: "(b) is a Canadian citizen or being a person lawfully admitted to Canada for permanent residence has been resident in Canada for a period of not less than two years."

Mr. Swart: It was the decision of our caucus that we could not—

Mr. Conway: All those draft dodgers down there in Welland.

Mr. Swart:—support the Liberal amendment as they had submitted it, first of all, because we did not agree with the amendment and, secondly, because it seemed to be part of the overall Liberal policy in their amendments to this Municipal Elections Act to restrict the opportunity to vote and to restrict the opportunity to participate.

Mr. Breithaupt: Why don't you stand up for Canada?

Mr. Swart: We are standing up for Canada.

Mr. Chairman: Order.

Mr. Swart: Because of that, we can't go along with the totally negative attitude of the Liberal caucus.

Mr. Conway: Unadulterated garbage.

Mr. Reed: That's hogwash.

Mr. Swart: We feel that if anything, the opportunity to vote should be expanded.

Mr. Roy: Why don't you open it up to all the rest of the world? Stop talking nonsense.

Mr. Wildman: They have to be residents.

Mr. Swart: We don't know and they don't know how many people they are going to disenfranchise in the next municipal election. There's no doubt in this province that it is in the tens of thousands and could well be in excess of 100,000 people who would be

disenfranchised by the amendment which they have moved here.

Mr. Reid: Shouldn't they have a stake in the community?

Mr. Swart: Yes, they should, and that's exactly why we have moved this amendment.

Mr. Breithaupt: That's not good enough.

Mr. Chairman: Order.

Mr. McClellan: They are human beings. That is their stake in the community.

An hon. member: Baloney.

Mr. Swart: Mr. Chairman, maybe you could bring your unruly colleagues to order so that we could continue?

Mr. Conway: Swart for draft dodgers.

Mr. Roy: He should stop talking nonsense.

Hon. Mr. Grossman: It is all in the record.

Mr. Reid: I am glad it is.

Mr. Chairman: Order. I must remind the members that it may be possible to have a period of rest if the members don't keep within order.

Mr. Swart: We have extended this. Our amendment, of course, would continue to provide British subjects with the right to vote; it also would extend it to landed immigrants and that would be the limit of what this motion would do. If we look at this amendment carefully, that's exactly what it does.

I have to say quite frankly that I have some rather strong reservations about what the federal government has done. I am as much a Canadian and have as much concern about Canada as any other person in this House. We all have this concern. To say that retroactively we are going to deprive people of their right to vote is something I cannot support.

If the federal government had determined when they passed their legislation that anyone who came into Canada after that time would all be on the same basis, would not have the right to vote regardless of what country they came from until they became a Canadian citizen, I would be fully in support of that. I know people who have lived in this country, came quite eagerly to this country, lawfully entered it, lawfully were residents who could vote, some who took part in two world wars—

Mr. Roy: Then why didn't they become Canadian citizens?

Mr. Swart:—fought in Canadian regiments in two world wars—

Mr. Breithaupt: Good for them.

Mr. Swart:—and now you say to them they cannot vote under their present status.

Mr. Breithaupt: Then let them change the status.

Mr. Swart: This is the kind of action of which we in this party would not want to be guilty. Therefore, we do not think these people should be deprived of their votes at the next election.

Mr. Roy: They've got eight months to get their citizenship.

Mr. Reed: Lots of time.

Mr. Swart: We feel by any yardstick, if there is going to be a change, it should be done at the provincial level before it is done at the municipal level because there is a substantial difference in the voting.

Mr. Breithaupt: Vote for my bill next week.

Mr. Swart: This could mean, Mr. Chairman, let's make no mistake about it, that a municipal election could be the first election at which British subjects will be deprived of their vote. We know municipal elections are going to come in less than a year from now.

Mr. Roy: They've got 10 months to get their citizenship. Don't you understand that?

Mr. Swart: The federal election may come next year, it may not come next year. I am not at all sure but what this may be a deliberate attempt upon the part of our colleagues to the right to pull the chestnuts out of the fire for their Liberal colleagues at Ottawa.

Mr. Breithaupt: What sheer stupidity. I knew you weren't that smart.

Mr. Swart: Because there is going to be a real furor in the next federal election when those people go to the polls and find out they are not able to vote. There was a news clipping in the *Globe and Mail* about this just recently, some of you may have read about it, talking about the number of people who are going to be disenfranchised and don't realize it.

Mr. Reed: You are more reactionary than the Tories.

Mr. Swart: But I suppose there is some desire that this be done at the municipal level first, so it can be blamed on the municipal politicians, rather than on the actual politicians who have made the laws to disenfranchise them.

Mr. Roy: We've got a bill. Are you going to support our bill?

Mr. Swart: I suggest that may be part of the reason they are bringing this in at this time.

Surely the significance of Canadian citizenship relates first to federal elections; the level of government which makes decisions whether or not we are involved in wars, decisions on our relationships with other countries around the world, the major economic decisions. That is where Canadian citizenship first relates.

Mr. Roy: Aw, you are stupid.

Mr. Swart: Secondly, it relates to the province, and thirdly, in a lesser way, it relates to municipal elections.

It has some significance at the local level too. But it is perhaps outweighed by other factors. That's why I am suggesting it is perfectly legitimate for the British subjects, those who have been here prior to this time, as well as landed immigrants, to vote in municipal elections.

They both have a very immense community involvement, and therefore should participate at the local level. Even if perhaps it's something of a learning process for them, we think that they should be able to participate at the local level.

Secondly, there are local tangible services provided, about which the owner of the home and the family that sends the children to the school are really greatly concerned, even if they are only landed immigrants; and of course it is sort of a training ground for democratic participation. We believe, therefore, that people coming to Canada to make it their home, or who have made it home for years, after a decent minimum period of time—we say two years—should be permitted to vote.

Mr. Warner: If you pay taxes, you vote.

Mr. Swart: Let me point out, Mr. Chairman, that already the municipal elections are somewhat different to provincial or federal. Provincially and federally a person only has one vote; but it's possible in a municipal election that if you own property in a number of municipalities, you can have two, three, four, five, eight or 10 votes.

I say it's of some significance that the party to the right is prepared to prevent British subjects from having a vote, but is still prepared to permit some people who are major property owners to have six or eight or ten votes in this province in municipal elections.

Mr. Roy: If you keep talking such foolishness you will lose your false teeth.

Mr. Breithaupt: That's got nothing to do with it. The member for Welland-Thorold is not dumb enough to believe that surely.

Mr. Swart: It shows clearly whose side

they are on. We believe that our amendment expands the right to vote—

Mr. Roy: It's foolish.

Mr. Swart: —to people who are in this country, or who have come to this country and been here for two years—

Mr. Wildman: Positive rather than negative.

Mr. Swart: —who intend to make it their home and have so demonstrated by taking out landed immigrant status, or by having lived here for 20 or 30 or 40 or 50 years as a British subject, as most of them have. We believe they should have the right to vote in municipal elections and that's the purpose of our amendment to the amendment.

Mr. Breithaupt: Mr. Chairman, without question I will oppose the amendment to what has been an amendment proposed by the member for Waterloo North.

Mr. Reed: Good.

Mr. Breithaupt: In the 10 years that I've been a member of this Legislature, I believe that in this amendment, and in the ones which I have proposed in Bill 116 with respect to the provincial Election Act, it is time to stand up for Canada.

Mr. Reed: Right.

Mr. Breithaupt: There is no middle ground, so far as I am concerned, and I feel exceptionally strongly, as I speak to this amendment, that in the federal, in the provincial and in the municipal elections, for the future of whatever it is we call Canada, it is time to define the franchise as based, without question, without any other alternative, on the sole criterion of Canadian citizenship.

Mr. Reed: Right.

Mr. Breithaupt: I believe very strongly that there is absolutely no middle ground. It is not good enough to be a British subject or a landed immigrant at this time in our nation's development. I think it is reasonable to expect, as do, so far as I am aware, most other nations in the world, a requirement that citizenship in the nation be the criterion for voting.

Mr. Roy: Sure; any self-respecting nation.

Mr. Breithaupt: The federal government in their decision have now made Canadian citizenship the criterion for voting. The comment that the member for Welland-Thorold has made, that in some mysterious way perhaps, I in my amendments am trying to avoid a decision—well that comment is not worthy of that hon. member.

Mr. Conway: I suspect it is.

Mr. McClellan: You don't understand.

Mr. Roy: We don't posture around here, you shouldn't posture on things like that.

Mr. Breithaupt: The time has come for, as the Sault Daily Star in their editorial on November 2 said, "The Vote for Canadians." A simple phrase, one that may even attract the attention of the members on the left. I would like to quote from that in part.

[8:45]

"This is a change in the Elections Act which should be seriously considered. The legislation covering federal elections restricts the right to vote to Canadian citizens and there seems no reason why the provincial and municipal elections should not be confined to Canadian citizens. The right to vote is an important one but it should be conferred only on those who are committed to this country to the point where they have embraced Canadian citizenship. Most Canadians would accept this qualification for voting. Equally important, it is probable that most people living in this country who are not Canadian citizens would accept the stipulation that they have not the right to vote in elections in this country unless they become citizens."

That quotation from the Sault Daily Star almost entirely sums up my views on this subject. In my 10 years in this House there is perhaps nothing I have felt more strongly than this opportunity to define the franchise both for municipal elections and—if members are so minded in dealing with another item of legislation next week—for the provincial elections. That would tie the whole thing together. It is time to have the vote as an obligation and a responsibility for Canadian citizens.

Landed immigrants—and the parents, grandparents or great-grandparents of all in this House, were landed immigrants at some time or other—decided by staying in Canada they were going to commit themselves to this country. We have the responsibility as elected members in this House not to talk to the empty galleries, not to talk to the empty press galleries or indeed the empty seats that might have been filled by many of our colleagues tonight, but to take the matter somewhat further, to the point where we are saying that if this nation is in difficulty, if we are having problems as we consider our future, then here in Ontario we can stand up and put Canadian citizenship first. If we do that, and if we encourage others to join with us and become Canadian citizens, that surely is the happiest balance.

Obviously the member for Welland-Thorold is as well aware as I that it is not my

intention in supporting this amendment to deprive anyone of a franchise. My interest is to encourage persons to become Canadian citizens. If that is not their wish, if that is not their decision, then I suggest to them that in my country—

Mr. Deans: Whoops.

Mr. Breithaupt: —in our country—

Mr. Deans: That's better.

An hon. member: Thank you very much.

Mr. Breithaupt: —that on that comparison—

Mr. Roy: There is nothing wrong. What's wrong with that?

Mr. Warner: He is condescending.

Mr. Breithaupt: —they have made a decision. If they prefer the citizenship of some other country—

Mr. Wildman: Don't you know negative reinforcement is the worst type of discipline?

Mr. Breithaupt: —that is fine, let them enjoy whatever those benefits are. But in our circumstance, to vote in our elections, to stand for office, to be involved on boards of governors of universities, to be involved as a member of this House, to be involved in other particulars, then the responsibility comes forward to be a Canadian citizen. There is no other criterion. Nothing else that is acceptable in this day and age I believe—

Mr. Swart: You wrap yourself in a Canadian flag, and the party to which you belong has sold out the Canadian economy to the United States.

Mr. Breithaupt: I suggest to the member for Welland-Thorold that there is no other flag in which I would wish to be wrapped.

Mr. Swart: Don't sell out the Canadian economy.

Mr. Breithaupt: That is what I put first.

Mr. Deans: I hope when they tie it they tie it tight.

Mr. Breithaupt: I'd be delighted. I'd be delighted.

I feel very strongly about this, as I think I perhaps have shown to my colleagues and to those who are here in the House tonight. As I have mentioned twice, and I will make it a third time, I feel this is a most important personal thing to me. I wish members of the House could acknowledge the fact that to be a Canadian and, as a result, to vote in our provincial and municipal elections as well as the federal elections would be something we could all share as a positive thing.

Of course, there are going to be persons

who have not got around to it or preferred to take out Canadian citizenship, persons who may have been here for 20 or 30 or 50 years, who have lived in Canada and who have become part of Canada because of the Citizenship Act in 1947, as I recall it was. The end result is that they now are put to a test. Those persons are not likely to be as inquired about with respect to their backgrounds as might some others. I think it is time we come to one common conclusion with respect to citizenship.

I believe in the amendments placed here in section 12 and the ones to come, as I recall, in section 13 in two parts and also in section 15, I believe the members of this House will finally acknowledge an idea whose time has come, that they will agree the positive future based upon the amendments which we now have an opportunity to make will define the responsibilities of Canadian citizenship and will acknowledge those responsibilities in elections in both provincial and municipal situations.

I would call upon the members of the House to make a serious decision about this particular point. I would hope they would support these and the later amendments which would define the electoral process in the province to be on the basis of Canadian citizenship and on nothing else.

Mr. Chairman: The member for Durham West.

Mr. McClellan: Don't we rotate?

Mr. Chairman: We don't have to in committee, I might say.

Mr. Deans: Are you responding now to the total thing?

Mr. Ashe: I am going to respond, in effect, to both speakers as I see it.

Mr. Deans: We are going to have another two or three speakers and perhaps you could respond at the end, if that is satisfactory. I am not trying to cut you off, but that would be appropriate.

Mr. Ashe: All right.

Mr. Chairman: The member for Durham West does not wish to speak? The member for Bellwoods.

Mr. McClellan: I am pleased to participate in this debate. I think it is an important discussion we are having here. I hope we can stay away from ad hominem arguments. I believe there are important principles at stake and perhaps valid distinctions and differences. I intend, at least, to deal with it in a serious kind of way. I think the Liberal amendment is a serious mistake at this particular point in time.

Mr. Chairman: I would remind the member for Bellwoods we are discussing the sub-amendment.

Mr. McClellan: I am leading up to that. I want to place it in the context of the Liberal amendment.

Mr. Roy: On a point of order, to facilitate matters, in view of the nature of the Liberal amendment and the subamendment, could we not get unanimous consent of the House to discuss both at the same time?

Mr. Chairman: If it is the committee's wish, then certainly.

Mr. McClellan: I wanted to point out something that I am convinced the mover of the amendment does not realize. The vast majority of those who are disenfranchised under this amendment are not immigrants from the British Isles. They are immigrants from a number of Commonwealth countries. In Metropolitan Toronto the vast majority of these folks are West Indians and southern Asians.

Mr. Reed: They are just as entitled to get their citizenship as anybody.

Mr. Warner: They have to be here three years.

Mr. McClellan: I feel that it is historically a bad thing to be doing at this point in time in view of the political context of Metropolitan Toronto.

Mr. Breithaupt: That they become citizens?

Mr. Reed: They have equal opportunity.

Mr. McClellan: No, let me continue.

Mr. Warner: You have no understanding.

Mr. McClellan: The principle of the amendment that my colleague from Welland-Thorold has moved is this, that political rights do not attach to people by virtue of their citizenship, they attach to people by virtue of their humanity.

Mr. Roy: Oh, come on.

Mr. McClellan: You may not agree with it, you are free to dispute it—

Mr. Roy: You go against international law.

Mr. McClellan: —but we are pleased to be able to introduce that amendment and the principle that underlies it in this debate here this evening.

I want to tell you, Mr. Chairman, as the representative from the riding which has been the traditional reception area for immigrants to Metropolitan Toronto for the last 70 or 80 years, that the instruments, the mechanism of exploitation of immigrant workers to this country has been the disenfranchisement of immigrants in Canada. It is not restricted or exclusive to Canada, it is a phenomenon

that has obtained in every country where there has been immigration and where the immigrants have been disenfranchised. It has happened in the United States, and it is happening to this day in the western European countries—

Mr. Warner: Cheap labour.

Mr. McClellan: —which are relying on guest workers for their work force.

Mr. Roy: What's that got to do with citizenship?

Mr. McClellan: It has to do with citizenship because in Canada and in the United States and in western Europe, the franchise has been identified with citizenship and that has permitted the exploitation of immigrant workers.

Mr. Roy: That's the rule all over the world.

Mr. McClellan: I point out to you, Mr. Chairman, that that practice has been denounced by civil libertarians for many years. I point out to you that the exploitation of the guest work force in Europe is the subject of intense political debate and discussion by civil libertarians; the practice of disenfranchising guest workers in the western European countries has been denounced by church and religious leaders; the Vatican has made a series of pronouncements on the exploitation of immigrant workers in western Europe. The principle is exactly the same.

The principle is that by attaching the franchise to citizenship you permit a kind of exploitation that to us is unacceptable. Many of us have had just too much experience with that phenomenon to want it to continue. When we see the opportunity of perhaps taking a first step, not much of a step but a beginning step, we are anxious to take it.

We understand it is a difficult thing for many people to accept. I believe that, I understand that. I understand feelings that are being expressed by the member for Kitchener. I hope he will understand the feelings that I am trying to express, because I have felt deeply on this subject for many years, and I want to share those feelings here tonight.

I think back to the most tragic events of this century, in Germany, and I remind you Mr. Chairman, that the destruction of the Jews in Germany was accomplished by depriving them of their citizenship; that was the means.

Mr. Roy: We're not doing that.

Mr. McClellan: Please don't misunderstand me, but it is part of the same difficulty that when you attach political rights to citizenship rather than to humanity, you open

yourself up for all kinds of abuses. The abuses can range from the simple exploitation of newcomers to a country, to the destruction of an entire people, but they are part of a flawed understanding of political rights and of human rights.

I repeat again, human rights and political rights attach themselves to people by virtue of their humanity, not by virtue of their nationality or their citizenship. I ask for the support of the subamendment.

[9:00]

Mr. Roy: Mr. Chairman, I think the amendment by my colleague from Waterloo North, and the subamendment as proposed by the member for Welland-Thorold could make for a very interesting discussion as to citizenship, humanity, and what is traditionally recognized in international law as giving rights to an individual within the boundaries of a country.

I have a deep sympathy with what the member for Bellwoods said. I think he said it with sincerity. Certainly we have evidence to support what he has been talking about. I don't agree with the final conclusion, that the purpose of our amendment is to deprive someone of citizenship. That is not the case. We're saying citizenship should be the criterion which allows one to exercise the most important right of a citizen, which is to vote—basically it is to vote, to be on a jury, to fight for his country and so forth. We're not taking that right away; that's a right he doesn't have.

I don't know about the subamendment based on a two-year requirement. But if I was facing a situation where I had no choice but to say yes to a British subject or open it to all other immigrants, I much prefer the subamendment to leaving it the way it is—based on the fact he's a British subject. Because there's a tendency in this great country of ours to come to the conclusion that if people come from all over the world into this country, there are different classes of immigrants under our statutes. This is why it is absolutely intolerable that we just leave it the way it is.

Basically, I have more sympathy with a part of the amendment. I'm not sure that the two-year requirement is—A citizenship requirement is now, what, three years? If it was a three year requirement it may make more sense; I would be more sympathetic to that.

The purpose of the amendment is not to disenfranchise anybody. It's not anti anything. As my colleague from Kitchener said, it's pro something. It's pro Canadian. Certainly

there is no apology to be made for saying something like this in Canada in 1977.

Mr. Foulds: It is pro destruction.

Mr. Roy: It's not the first time I have sat in on discussions about this legislation. I recall that in 1974 the former member for Carleton-Grenville, Don Irvine, to my great surprise, expressed sympathy with this type of amendment. Obviously he was not able to convince his colleagues. There were times when we were extremely critical of that member, but at least he showed a certain amount of guts and common sense, coming from a difficult riding.

Carleton-Grenville, if you took a straw vote, would not be the first riding that would go along with this amendment, but at least the member came to the conclusion on his own that this was something worth recommending to his colleagues in the government. I'm sad to see that in 1974 he was not able to do so, and it appears that in 1977 the members on that side still do not see the compelling common sense of this type of argument.

I'm really saddened by that, just as I'm proud of the members of my caucus, the member for Kitchener and the member for Waterloo North who proposed this amendment, and my caucus colleagues who unanimously were prepared to support this type of amendment. I'm deeply saddened that the amendment will possibly be defeated because the members from the Conservative Party—I don't know if my colleagues to the left will vote for it—

Mr. Breithaupt: Both of them.

Mr. Roy: Yes, both of them. It's sad that on such an important debate we only have two of them across the way. But in any event I would hope my colleagues to the left, if their subamendment is not accepted, will support our amendment. I suspect from the comments of the member for Welland-Thorold that they will not. I suppose coming from that member I can expect that.

Mr. Deans: There is no need to be personal.

Mr. Roy: His premise was that we are trying to disenfranchise someone. That's not it at all. I would have thought he would understand that in 1977. It is not as though we are trying to take away somebody's rights. We are trying to say that in this country, to exercise the most basic and fundamental right, you should be a Canadian. What's wrong with that? I can't see how people can come to the conclusion that we are trying to do something else.

Unfortunately, through history we have been faced with an anomaly that said basic-

ally that people who could vote in our elections had to be Canadians or British subjects; it has gone on over the years in that fashion. As my colleague said, at the very time when the integrity of the country as such is being challenged, one can only wonder that there should be some question in this House about the status that is required for one to vote in an election, be it a federal, provincial or municipal election. Some people will sit back and wonder.

Canada has got to be a funny country, Mr. Chairman. I suppose it will take historians 1,000 years before they really see how ridiculous the process was—

Mr. Foulds: Especially if they read your speeches.

Mr. Roy: I think my speech has got much more sense than what I have been hearing from my left. I can say that.

Mr. Conway: Particularly his points of order.

Hon. Mr. Grossman: That's your right hand. You've got to keep them straight.

Mr. S. Smith: I have never heard about two more idiotic speeches than the ones I heard on the box from the members for Welland-Thorold and Bellwoods. I have seldom heard anything at that level of—

Mr. Foulds: You don't listen to yourself very much, do you?

Hon. J. A. Taylor: Except when he plays back his own tapes.

Mr. Roy: Mr. Chairman, when one looks at the history of this country and at the dispute or the friction that is taking place now, the logic of it escapes me. Two people can't seem to get along because there happens to be, some people say, a language difference. We have got the two major languages in the world in this country and we can't seem to get along on that basis. If you talk to one group and then to the other group, you find there's that gap—the two solitudes. They can't seem to communicate. How foolish it's going to be, should this country ever separate, when our children say to us, "What the hell happened?" and we say, "There was a problem of communication." They'll say, "A problem of communication?"

In Russia they have got about 15 different dialects, in China they have got about 30 and in India they have about 65, and they seem to be able to get along. In this country we can't even seem to get along when we only have these two languages.

When we come to an important thing like citizenship, how do other immigrants in this

country feel? In some ways it was an insult to immigrants coming from other areas of the world that they have come in under a particular status. We told them, "Canada is a multicultural country. You are welcome here. We don't have the melting pot approach like the Americans." Yet if an immigrant came from another part of the world and didn't happen to be a British subject, he had a status that was different from the status of other immigrants. In a certain sense that was an insult to him.

The purpose of this amendment is to get away from this type of anomaly and, as my colleague from Kitchener said, to establish one criterion across the country for all elections so that if you are going to exercise the most important franchise—

Mr. Foulds: A restrictive criterion.

Mr. Roy: You know, Mr. Chairman, I keep hearing comments from that—I don't know what I should call him; he's supposed to be a school teacher, but I think he's more of an idiot than a school teacher—that member for Port Arthur who keeps making these idiotic comments.

Interjections.

Mr. Samis: Is that parliamentary?

Mr. Deans: That is really quite unparliamentary and much too personal—much too personal.

Mr. Roy: It is not unparliamentary. It suits him fine when we get involved in that sort of debate and he keeps saying we are going to disenfranchise somebody; it's not that at all.

Mr. Foulds: That is what it is. Call a spade a spade. Have the guts to say what you say loud and clear. Never mind this two-bit lawyer's equivocation.

Mr. Deputy Chairman: Order. Could I ask the member for Port Arthur to please leave the speaker alone?

Mr. Foulds: Don't let that SOB call me an idiot in this House and get away with it.

Mr. Deputy Chairman: And could I ask the member for Ottawa East to please stick to the bill and to refrain from language which may not be technically unparliamentary but certainly is not within the spirit of this House? Would he please continue?

Mr. Roy: When you are talking about unparliamentary language, Mr. Chairman, his last comment—

Hon. Mr. Norton: That is unparliamentary.

An hon. member: What's wrong with you? SOB is "Son of Bette."

Mr. Conway: Good enough for Bette Stephenson.

Mr. Roy: But coming from that member it is to be expected.

Mr. Deans: Come on, don't be so sanctimonious.

Mr. Swart: How about your member for Essex South (Mr. Mancini)?

Mr. Roy: He doesn't understand an amendment that's as simple as saying, "In Canada when you are going to vote, you have got to be a Canadian citizen." And when he, a so-called school teacher, representative of the public, can't even understand that—

Mr. Deans: Too bad you missed your plane.

Mr. Deputy Chairman: Will the member for Ottawa East please address the bill, and not address the other members of the House?

Mr. Roy: I am. I should, because obviously I am not getting through to him, so I much prefer to address the Chair.

Mr. Deputy Chairman: And stick to the principle of the bill.

Mr. Martel: It is easy to tell when you have nothing to say, Albert, you take half an hour to say it.

Mr. Roy: What we are trying to do is not to disenfranchise anyone, but to make citizenship mean something in this country. This amendment is not anti anything. As my colleague has said, it is pro something, and it is pro Canada.

Mr. Swart: It's going to disenfranchise 10,000, 20,000, 30,000 in the next election.

Mr. Roy: And when I hear these members saying once people have been in this country—

Mr. Martel: Your halo is getting tight.

Mr. Roy: Sanctimonious? After we have suffered the sanctimonious comments of these guys to my left—

Mr. Martel: If you are not careful your brain will be squeezed to a peanut.

Mr. Roy: And obviously we are getting to them because they are embarrassed, you are embarrassed by opposing this type of amendment.

Mr. Deputy Chairman: May I again ask the member to please address the Chair? Do not address the other members.

Mr. Roy: Sometimes it is difficult, Mr. Chairman, with the comments coming from the left.

Mr. Deputy Chairman: I think the member is quite capable of ignoring the interjections and speaking to the bill.

Mr. Roy: Well, it is tough, especially when it comes from a boomer like the member from Sudbury.

I want to say, Mr. Chairman, that when they say some people have voted here for a number of years and they will be disenfranchised, they are going to have 10 months to get their citizenship.

Mr. Swart: At least the federal Liberals give them three years.

Mr. Martel: When you have got nothing to say you spend half an hour.

Mr. Deputy Chairman: Order, please.

Mr. Roy: I am saddened to see that my colleagues to my left don't understand that.

Mr. Foulds: We can do without the sanctimonious hypocrisy.

Mr. Swart: Why don't you sit down and cry?

Mr. Roy: The so-called do-gooders who talk about nationalism, the member from Sudbury who is talking about being pro-Canadian, anti-American et cetera; he can't even stand up for an amendment that says you are going to be a Canadian if you are going to vote.

Mr. Deans: I won't be very long speaking to the bill, Mr. Chairman, and I want to try as best I can not to get drawn into any name-calling with the member for Ottawa East.

I wanted at first to make it clear to you that it is entirely possible that at some point in the not too distant future this Legislature should address itself to who should be given the franchise in the province of Ontario, but I don't think this is an appropriate vehicle for having that particular debate. I don't think we should arrive at a disenfranchising—and you will have to forgive the use of the word—in such a piecemeal way. If we are going to limit the right to vote in an election, any election, to persons who are Canadian citizens, then I think we should do that openly with legislation that is intended to meet all of the various problems, including the provincial elections, the municipal elections—

Mr. Roy: We are doing that.

Mr. Deans: No, we're not.

Mr. Roy: We have the private bill for provincial elections, and now we are doing it for municipal elections.

Mr. Deans: What we have to do is recognize who is going to be disenfranchised. When you speak of British subjects, everyone thinks only of people who come from the British Isles. But in the case of municipal elections, in the case of elections in Canada

in fact, we're talking about a great number of people who come here from many other countries. At this point in time they have always enjoyed the privilege—and it is a privilege—of being able to vote in municipal elections.

They are not discouraged from buying property; they are not discouraged from investing funds or time in the development of this country; they are not discouraged from being a part of the cultural growth of the country; and they are now to be disenfranchised after having lived in a good and constructive way in this country by an amendment of the Liberals which in many ways is attempting to remove the right; I am prepared to concede that maybe the member for Kitchener (Mr. Breithaupt) is correct, and I don't quarrel with his statement that he would prefer that it were seen as an attempt to encourage people to become Canadian citizens.

[9:15]

The truth of it is that you will never encourage someone to take out Canadian citizenship in this heavy-handed way. If we want to encourage people to be Canadian citizens, then we should embark on a program of making it possible, easier, and more appealing for them to do so.

Look at what has happened: In this country we allow people to go out and buy property. They can be non-Canadians and non-residents, own property and enjoy the use of it. They can sell it, they can make substantial gain from it and they can take it away. People are encouraged to take over and own our resources in this province, to take the profits from the sale of those resources out of the country and to use those resources for whatever purpose they please. We do nothing about that. Through any number of government agencies, we fund enterprises for people who take the taxpayers' money from this province, take it out of this country and use it for their own ends in other parts of the world.

We don't know how many people would be affected by the amendment proposed by the Liberal Party. I think an amendment of this magnitude deserves considerable public debate. I don't think it should happen as a result of simply from the opposition benches moving a perhaps seemingly insignificant amendment one evening to a bill that was not intended to do what this amendment will now make it do.

If the government is interested in bringing forward proposals to limit the franchise to Canadians, then I suggest the government

should do that. I suggest that all the people who would be detrimentally affected and all of those who feel very strongly about the necessity for the change should be given some opportunity for public debate on the matter and some opportunity for input into the matter and should be encouraged to recognize the magnitude of the change. There should be considerable time allowed for the transition to take place. There should be a program developed for reaching out to those many people who would lose the privilege which they previously had as a result of this particular amendment or by any other amendment.

If you look at it, the following are the countries from which the people would lose their vote: Anyone who came from Australia to Canada to settle would not be permitted to vote or from Bangladesh, from the Bahamas, from Barbados, from Bermuda, from Botswana, from Ceylon, from Cyprus, from the Republic of Ireland, from Fiji, from Gambia, Ghana, Guyana, Hong Kong and so on. It affects a great number of people, many of whom reside right in Metropolitan Toronto and who, when they came here in good faith, understood they were permitted to vote in municipal elections.

If you are going to take that right away from those and all the others that make up a list of approximately 40, the honourable thing to do would be to begin the process by making it clear that the intention of the Ontario Legislature is to change the franchise. At some point in the foreseeable future—perhaps at the election after the next one, which is the way the federal government did it—those who enjoyed that privilege but who were not Canadian citizens would no longer have that privilege.

I really don't think the eight months the member for Ottawa East speaks about is an adequate amount of time to bring to the public's attention the change that would take place. Let's look at the electoral process for a moment. If there was a place where it might be appropriate to allow other than Canadian citizens to vote, it surely would be at the municipal election level.

If we came to the decision that it was appropriate that in an election people should be permitted to vote who fall into other than simply the Canadian citizenship category, then the municipal level would be the appropriate place to begin. The purpose of municipal council is primarily related directly to property ownership and to the provision of services to property. If a person is entitled to buy a piece of property, to pay the taxes on it, to share in all

of the costs of the municipality and to reside in the municipality, then it would perhaps make sense that he has at least some say in how the money ought to be spent that he gives to the municipal council for the provision of those services. Perhaps we should look at that as a Legislature to see whether it might be a place that non-citizens be permitted to vote. I understand that in the broader context of federal and provincial elections that it probably makes good sense.

In fact, I think it does make good sense to begin a process of enlightening the public of Ontario to the fact that we in the province of Ontario intend to move to restricting voting to citizens, but I don't think you do it by way of the back door. I think you do it quite openly. I think you make clear the intention of the Legislature. I think you allow adequate time for discussion and debate. I think you allow and encourage the various groups and their representatives to take part in that debate. I think you try to make clear to the people of Ontario that the change is going to take place.

I don't think we should stand up here one evening and in discussion of a bill which was never intended for the purpose, wrap ourselves in the flag and attempt to sell the idea of nationalism. I don't think that is an appropriate way to do it.

Mr. Martel: By yelling at everybody.

Mr. Deans: I have been a Canadian citizen from the moment it was available for me to be one, because I believe that it is important. I would want to encourage others to do likewise, and I think we should attempt to encourage people to do likewise.

But I suggest to my friends in the Liberal caucus, in all fairness—I recognize the intent, and I am going to acknowledge that it is an honest intent; I am not going to fight with them about it—that rather than do it this way, we should attempt the process by having my colleague from Kitchener bring his private bill forward, by changing all of the legislation at one time. In that way we would provide the opportunity for people around the province to see the change take place; we would provide the opportunity for input from all of the groups who would be affected; we would pay heed to their concerns, the concerns which they no doubt will feel very strongly; we would allow sufficient time for them to make the transition, to recognize the benefits as we set them out in the discussion that we would have; and we would give the opportunity to those people to hear from us, in the Legislature, something they haven't heard for

some time—what the benefits of Canadian citizenship are. Not simply the benefit of voting, but the benefit of participating as a full member in the entire process here in Canada.

If we were to do that—and we could use the vehicle of the member for Kitchener's bill, I suppose; I don't know, but we could use that vehicle or one brought forward by the government—we could then try to involve as many of the people who would ultimately be affected as possible; that would be the way to make a change of this magnitude.

It is no trifling thing; it should not be held lightly. It should not be done by way of an amendment to legislation that was never intended to deal with this in the first place. It is much too important for that.

It carries a lot of implications. I ask the Liberals, having had the discussion, if they wouldn't consider the possibility of not proceeding with this at this time in this way, and suggesting to the government that it pay heed to the discussion that has taken place tonight, and to use the vehicles that are now available to us for the promotion of the idea of Canadian citizenship—

Mr. Roy: That is the only vehicle we have.

Mr. Deans: It's unfortunate the member for Ottawa East has come back, because it was a very nice discussion.

Mr. Roy: I have listened to the member for Wentworth on the box, and I think he is talking a lot of foolishness.

Mr. Deans: That's fine.

Mr. Chairman, I conclude by saying that we should attempt to encourage people to take part rather than bludgeoning them into submission.

Mr. Roy: Bludgeoning them, my God.

Mr. Conway: Mr. Chairman, it's one of these rare evenings—

Hon. Mr. Norton: When the member for Ottawa East is present.

Mr. Conway: —when I think we have developed a rather interesting debate—one of some substance, for a change.

Mr. Wildman: Don't change it.

Mr. Conway: I have listened with particular interest to the comments made by all the participants in the debate. I have been very impressed with what has been said by all members of all parties. The most cogent presentation of a position which I cannot finally accept, insofar as the subamendment is concerned, was put by my friend from Bellwoods (Mr. McClellan), who very eloquently stated the concern which a member such as himself would bring to this kind of a debate.

It seems to me that the subamendment deals directly with the conflicting principles of citizenship versus humanity as the basis for a franchise. The hon. member for Bellwoods puts with some considerable justice that humanity should be the basis for any franchise. That is truly an eloquent testament to an honourable idealism. Extended to a full-blown conclusion, there are real difficulties with that as a fundamental principle.

For example, I wonder—and I profess to be no expert in this regard—how we deal with something like insanity as a complicating factor with a franchise based on humanity. One of the things that has always characterized the franchise and franchise discussion has been how we treat people who are deemed to be mentally incompetent and therefore somehow deficient insofar as exercising proper judgment on the matters that may involve a given election.

Mr. Wildman: Good point.

Mr. Conway: Their humanity is clear and unquestionable, but that does not in any way alleviate the difficulty that such an impediment creates for the electoral process.

Mr. Wildman: Not a big problem.

Mr. Conway: The member for Algoma says it's not a big problem—and perhaps not—

Mr. Wildman: But you have a good point.

Mr. Conway:—but it seems to me it is clearly a possible ground for restriction. It may not be a major restriction qualitatively, but thinking that over tonight—because I have really been impressed with what the member for Bellwoods has said—I find it difficult in 10, 15 or 20 minutes to sort out how we could use humanity as the criterion for enfranchisement and keep that as a non-restrictive basis or criterion. The implication of much of what has been said tonight about the franchise has been that it should certainly not be restrictive. In philosophical and ideological terms that is quite commendable.

During the brief interval earlier this evening I went down to the library to pick up a very interesting book that bears directly on this topic. It is by Terry Qualter, who used to be at the University of Waterloo, and it is called *The Election Process in Canada*. In that political science text there is a very fascinating first chapter about the franchise. I share the member for Bellwoods' feeling about what our past has provided us with insofar as the franchise is concerned, quite apart from a global discussion. We like to think Canada and Ontario have had a great liberal democratic past—

Mr. Foulds: Small "I".

Mr. Conway: Small "I" or whatever. I am sure there were some people here who thought my colleague from Kitchener might have been a little exuberant, perhaps overly so, in his comments. But anyone who comes from Berlin—now Kitchener—or Waterloo county, who grew up there, who has a family that has deep and historic roots there, just might remember the wartime Elections Act and what that did to disenfranchise certain Canadians who were here, not two weeks or two years, but who had been here for 75 years and who had fashioned the fabric of a very magnificent community. Interestingly enough, that was the dedicated and purposeful product of one of our acknowledged national statesmen, a Prime Minister of Canada. I won't go into it in any great degree—

Mr. Wildman: What about the Japanese out west?

[9:30]

Mr. Conway: I think the member for Algoma leads me perhaps to one small quotation from page 10 of Qualter's book. It's not something that's particular distant in our past. It's hard to believe that no longer ago than 1945 a provincial statute in this country, namely in British Columbia, said insofar as the franchise was concerned: "Until 1945, the right to vote in British Columbia provincial elections was still denied 'to every Chinese, Japanese, Hindu or Indian.'" That's really an incredible comment on our liberal democratic past. When you talk about the Eskimos and the Indians, people who have suffered much, much more lately, from that same kind of discrimination, it is a useful footnote to our past insofar as the franchise is concerned.

I don't see anyone here, other than the member for York Mills (Hon. B. Stephenson), who represents the opposite sex, I think she surely understands what it is women went through in this country. I think of the Cleverdons, the McClungs and the Agnes MacPhails who really gave eloquent testament to the right that women justifiably had to participate in the franchise and the suffrage. Not until post-World War I did that right accrue to women in this country. Again, I think that is an interesting comment on the franchise.

I go through those points generally and briefly just to point out that, like it or not, we have had an unfortunately restrictive franchise history in Ontario and in Canada. I think it deserves no more comment than that. It's certainly no reason to continue restriction per se. I thought it would be useful to elucidate some of that, because I must come quite squarely to the subamendment,

which I cannot accept for reasons which I will go into very briefly in a few moments. I'm probably going to be cynical in my one comment because—

Mr. Wildman: Surely not.

Mr. Conway: —before this debate really got elevated—and I thought it did with the hon. member for Bellwoods—I was very interested to hear some of the exchange, involving particularly the member for St. Andrew-St. Patrick and certain members in the New Democratic Party, about the political context of this particular discussion and how it might devolve upon the hopes and political aspirations of my party.

With all respect and in truth, I must say I was conjuring in my mind, particularly as I watched the machiavellian glance of the member for St. Andrew-St. Patrick (Mr. Grossman), that this discussion tonight surely might be a comment, insofar as Metropolitan Toronto is concerned, on who the new masters of Tammany Hall are going to be. I hope and pray that does not really enter into the discussion, but I must say some of the undercurrents earlier this evening with respect to the political connotation and the political context made my perhaps all-too-cynical mind float back to an earlier day again.

Mr. Wildman: At least he recognizes a quality speech, unlike his leader.

Mr. Conway: At that time, the member for Carleton (Mr. Handleman) was saying certain things, like other members of the cabinet, I think, because I noticed one other cabinet minister shaking his head rather mightily, about this terrible discrimination being afforded to the British subjects.

Mr. Breithaupt: You could hear it over here.

Mr. Conway: I concur entirely with the comments from my friend and colleague from Kitchener. Again, I will be historical because all I could think of was the famous cry of the former federal member for Kingston, the great Prime Minister, the Rt. Hon. John Alexander Macdonald, who campaigned quite vigorously in 1891 with that famous, "A British subject I was born. A British subject I will die."

It made me think, particularly as I looked at the member for Carleton, of an old story told of a good hide-bound Tory friend of mine who, when not so very long ago approached with the terrible revelation that John A. Macdonald was dead, replied, "And I didn't even know he was sick." It sort of made me mindful of that kind of consideration. I have no difficulty whatsoever in say-

ing that the British subject qualification and consideration should be properly removed for basically, as I see it, three reasons:

First, it is simply and obviously not relevant; second, it is simply and obviously not reciprocal; and third, as has been pointed out, not only by other speakers in this debate here this evening but by all those speakers who have participated from time to time in discussions that in one way or another have related to this general area in the past three or five years—and I've heard a number of references tonight from earlier debates—most of these people have had the opportunity, the choice to act upon that situation and to become Canadian citizens, and for many of them the choice and the priority simply has not been there.

The member for Wentworth (Mr. Deans) says that perhaps the most unfortunate aspect of our position might be that this is too important, too sweeping a discussion, procedure and ultimate decision to take so precipitately on this snowy evening on December 8, 1977, leaving the distinct impression that out of the blue it has descended, with no notice and with no recent history. That, Mr. Chairman, I submit to you, does not pay due attention to the facts as they present themselves over the past five years.

My colleague from Waterloo North (Mr. Epp), and again my colleague from Ottawa East (Mr. Roy), made reference to an eloquent speech by the former Minister of Housing and former member for Carleton-Grenville, Mr. Irvine. Only my friend from Ottawa East and those of us who hail from that fair region of the far east can appreciate what it is that the former member of Carleton-Grenville took into his grasp when he said, not only to this House but to the electors—maybe more particularly those of Grenville county—that certain British subject criteria should not obtain. That is a heroism which I hope will surely recommend itself to his successor, who I see seated here tonight and who I think would be very properly advised to subscribe to such heroism as evinced in this particular regard by his predecessor.

Mr. Roy: It took guts.

Mr. Conway: This is not something that has descended precipitately, unannounced or whatever. There has been an ongoing debate of one kind or another in this regard.

I think the hon. member for Wentworth (Mr. Deans) makes a good point when he says we must attempt, as best we can, to rationalize the municipal, provincial and federal jurisdictions in this regard. I concur entirely. It is for that reason that I invite

my hon. colleagues to the left to rise, to unite and to march with us and pass, within the next few days, the very excellent private member's bill forwarded by my hon. colleague, the member for Kitchener.

Finally, I want to say that for me, as for members of my party, there can be only one fundamental criterion for the franchise; and that is the principle, the criterion, of citizenship. In philosophical or conceptual terms, to me citizenship necessarily involves a commitment to place, to state and to nation; upon that concept and upon that commitment there must, and I think should be, placed a sense of premium, a sense of attainment, a sense of achievement. It must have, and I think it does have, for all of us who subscribe to it in this great land of ours, who inherit that without any great effort, and for all of those who seek to become Canadian citizens, an inherent worth that I think really and truly does not necessarily devolve to those with a landed immigrant status.

In conclusion, Mr. Chairman, I think of the historic phrase, "civis Romanus sum"; surely there are implications in that which bear very noticeably upon the notion that the concept of citizenship and the concept of franchise do bear a direct relationship to each other, and on no other basic criterion or principle than citizenship can the principle of franchise be understood, implemented and exercised.

Mr. Foulds: On a point of order, Mr. Chairman, I would like to totally withdraw the heated interjection I made with regard to the member for Ottawa East about half an hour ago.

Mr. Deputy Chairman: It's accepted.

Mr. Ashe: Mr. Chairman, in an attempt to try to conclude the business on Bill 98 this evening, I will be exceedingly brief. I won't attempt, for obvious reasons, to get into the same eloquence that has been illustrated and portrayed by many of the members previously.

I do agree with the hon. member for Wentworth when he indicates that this is probably not the appropriate time to get into the philosophies of citizenship and so on in this particular item. I concur with that. I don't think it is either. But speaking to the amendment to the amendment, I must say I personally have more sympathy towards expanding the franchise rather than narrowing it. I think I am probably as strong a nationalist Canadian as any member opposite, but I don't think you should ever

be thinking of taking something away from somebody that they have already earned.

Mr. Roy: Earned? How have they earned it?

Mr. Ashe: I appreciate that one can challenge the word "earned." When they use the argument that they want to be consistent, I can appreciate that the members opposite in the Liberal Party are being consistent; but I would suggest that just because they did something in Ottawa doesn't mean it's necessarily right for us to do something in Toronto. I don't think that gives validity to the particular amendment.

On the other side of the coin—although, as I say, philosophically I can see broadening the franchise at the municipal level, and in my mind there is a distinction between municipal versus federal and provincial qualifications in terms of the relationship of the elector to the services in his community—I think the particular amendment to the amendment expands the franchise too drastically and too quickly, and hence I can't support that concept either.

Mr. Roy: Be consistent. Open it up to the world.

Mr. Ashe: In summary, I think in the one instance we have gone a little too far a little too fast and in the other instance we are attempting to take away something that's already there. In the spirit of compromise, I think the bill as written serves the purpose.

Mr. Breithaupt: Mr. Chairman, we obviously have heard what is both progressive and conservative in the comments from the parliamentary assistant. I find that most regrettable. Before I make further comments, I felt the House would be pleased to see a former colleague, Mr. Stan Farquhar, the former member for Algoma-Manitoulin, our Liberal whip for some years, and a delightful member of this House who I am sure members would wish to welcome.

Mr. S. Smith: Mr. Chairman, I shall be very brief. I feel there are two separate issues before us. The one is the matter of whether British subjects and those from countries that once were under the British Crown should be regarded, once they come to live in this country, as somehow different or more privileged than those who come to Canada from other countries on this globe. That's the first issue before us. The second issue is the matter of whether people should have to obtain citizenship prior to being permitted to vote in elections.

I should like to address the two issues separately. The first one is the matter of

people who come to this great country from countries that have at one time in their history been under the British Crown and whether such people should enjoy greater privilege than those who come to this country from any other country of the world, be it France, or any other European country, be it the United States of America or any country of the globe.

[9:45]

I have to say that when I think about this issue, I recognize a certain difficulty among certain people who are British subjects and who have not obtained their Canadian citizenship, possibly for some good reason, and who may feel that this amendment somehow is aimed at them, when of course it is not.

But I look at the more important issue, and that is the coming of age of this country. I look at the issue of whether Canadian citizenship is to be a vital and important matter to all of us. I think particularly of the question, in light of my own grandparents, who you may recall, Mr. Chairman, have come to this country from four different countries of eastern Europe.

I well remember, as a young child, their great pride, their great delight, in showing some evidence of their acceptance in this country. Of course until 1947, and the Canadian Citizenship Act, it wasn't possible even to speak of Canadian citizenship in the way we do right now. None the less, they had tremendous pride in their having been accepted in some official way into this country and in being a genuine part of this country and its makeup.

No man can stand and tell me that a person who came to this country from some country that was previously under the British Crown would automatically make a greater contribution to this country than my grandparents did; and no person can tell me that a person who comes to this country from a British colony or a former British colony, or Britain itself, should be given privileges that people who come from Italy, from Portugal, from France, from Greece, from any of the countries—from Holland, from Germany, from any of the countries—who have given their sons and daughters to our country to make this a great land, that any of them, in any instance, should see it regarded that the British subject somehow or other should have an automatic right, a right which these other people do not have.

The time, therefore, has come to recognize, granting that there may be a certain hardship to a certain number of people who at present seem able to vote and may find

themselves having to decide whether or not to become citizens; but the time has come for us to stand and to say to the Portuguese Canadians, to the German Canadians and to the Dutch Canadians, that we draw no distinction between those who at one time happened to live in countries under the British Crown and those who have brought their talents and their families, their abilities, their aspirations and their hopes to this country from other lands of this globe.

That's why we feel that, wherever it exists, reference that discriminates in favour of immigrants to this country from one country or from one area of the world, as opposed to others, must be eradicated. We have before us now, in the municipal elections bill, an opportunity to do so, we shall have the opportunity to do so on the provincial scene shortly, and therefore we say, when the opportunity is here; stand, be counted, and act.

Now there comes to me the second question. The question arises as to whether in municipal elections—or in any election, for that matter—it should be necessary to be a citizen of this country. The argument is made that municipal elections are somehow less important than federal elections inasmuch as foreign affairs are not discussed, inasmuch as some of the issues are more tangible, more local. But I would say to you that to regard the municipal scene as some kind of a minor league, some kind of a sand lot where one eventually learns to play in the bigger leagues, is an insult to municipal government.

For far too long, municipal government has been the poor stepsister of all governments, and I think it's time that stopped.

Hon. B. Stephenson: That is a sexist remark.

Mr. S. Smith: Or stepbrother; step-person.

Hon. B. Stephenson: Step-sibling; that will do.

Mr. S. Smith: It is just as important, surely, to have to cast your vote intelligently, and with a view to the future, municipally as it is provincially or federally.

I don't draw these invidious distinctions between the three levels of vote casting. I furthermore feel it is sometimes argued that people pay property tax municipally and therefore citizenship is really not as important as the tax-paying status. But I need not remind you, Mr. Chairman, that we pay sales taxes to the province and we pay excise taxes and so on to both levels of government as well as the obvious income taxes. Therefore, I put it to you that the paying of taxes does

not automatically confer the vote upon a person, lest we do so for any tourist who happens to be in this country at the time of an election. We know that is obviously a faulty bit of logic.

Mr. Wildman: It's your faulty logic.

Mr. S. Smith: In point of fact, there must be some qualification to be an elector, to have that privilege. To vote in a democratic country, there must be some qualification.

If it were a difficult and arduous task to become a Canadian citizen, one might consider lesser gradations of such citizenship to be sufficient qualification for the casting of a ballot, lest we be in a position of exploiting visiting labour, as was suggested by the member for Bellwoods, and so on. But it's a mere three years—and even the members of the NDP are talking about a two-year qualification—before one can become a citizen in this country. The qualifications are hardly arduous.

Consequently, it seems to me that if citizenship is to mean something and if we are to accept that this country has come of age and no longer exists as a colony of any country, be it France or Britain or the United States, but that we stand on our own feet, then we must regard all newcomers to this country as equal from the day they come here. We must remove this invidious distinction between British subjects and others who have come to this country to give us the benefit of the fruits of their labours, their visions, their hopes, their aspirations and their willingness to work.

Therefore, there is no alternative but to seize this opportunity to eradicate from the Municipal Elections Act the matter regarding British subjects and to accept, not the sub-amendment of the members to our left but the excellent amendment put by the members of my party. I'm pleased to have this opportunity to join with others from my party in speaking to this very important principle at this time.

Mr. Duksza: I hadn't intended to speak, Mr. Chairman, but I was listening to the member for Renfrew North (Mr. Conway) with some interest and I decided to participate in the debate.

I will start my few remarks with some personal reminiscences. After all, I was born in a very nationalistic country and I carried the citizenship of that country. Incidentally, soon after the war my father was deprived of it by that government in Poland, so I don't carry it any longer. He became a British subject, and because he lived in London, England, concurrently I became—being then

under age—a British citizen myself and carried and travelled on a British passport for some time. I appreciated the privileges of what went with being a British subject.

When I came to this country, after a year of residence here I could participate fully in the life of this province and the country generally. I appreciated that, but I did realize that this was unjust in some sense because I was not even British. I extended this principle to all the British-born people in saying that if you come to a country like Canada you should in some sense participate on a different level other than that you are British.

In that sense I support the Liberal amendment. But when I was listening to the member for Renfrew North, I was struck by what he said about the citizenship of the Romans and, prior to that, of the Greeks. This was a concept much valued by the Romans. It conferred incredible status on the people who were Roman citizens. It was maybe one of the most elitist and class-oriented approaches that existed in that particular civilization. It was nothing particularly to be proud of, for in fact it underlined enormous class differences in that empire.

If we are looking at our own country, which is probably as unnationalistic as any country I have ever been in or lived in, this is maybe one of the main advantages and values of Canada, that the people come from all over the place, from very nationalistic backgrounds, come and are accepted, and accept the others of the same ilk, in a spirit of comity, in a spirit of humanity and develop quite a different, a new approach towards being a national of Canada.

This brings me to the point—and I shall be quite brief—of why I feel the NDP amendment to this is the only one, because it moves us away from elitism of citizenship and moves us towards a concept of participation in the country and on those grounds a concept of participation by all people who come, after two years, or even less, of living in this country, they surely have a right to participate in the public life as much as they participate in the productive life of the country, adding both to our culture and to our wealth.

On those grounds, of a broader concept of citizenship and the concept of participation, I believe we should abandon altogether the concept of citizenship and allow people to vote in the election on this much broader idea of participating in the community and this country.

Mr. Conway: Just a footnote, Mr. Chairman, to what has been said by my distinguished colleague from Parkdale: I listened

with very keen interest to his remarks, because certainly he brings an intellectual power to these discussions which is not only his regular wont but his unique capacity.

I must say that I listened to hear the distinguishing feature that he sought to bring to the franchise base, criterion or whatever; he has widened it considerably, in my mind, from that of the hon. member for Bellwoods (Mr. McClellan), inasmuch as he is saying that participation somehow should be the cornerstone of a franchise discussion in the future. I love the term, because knowing that hon. member's political view and sociological affliction—not affliction, that's certainly not the right word—but framework, I think that I—and I must say that I never thought I would hear the hon. member for Parkdale evince such Trudeauesque phraseology like “participatory democracy.” I think that should not go unregistered tonight.

Mr. Samis: That is a low blow.

Mr. Conway: The hon. member for Cornwall says it's a low blow, and perhaps it is.

Mr. Wildman: It is based on a class analysis, essentially.

Ms. Gigantes: Totally silly.

Mr. Duksza: Point of privilege, I should say.

Mr. Conway: It seems to me that the claim the hon. member for Parkdale is making—

Ms. Gigantes: If you want to be a historian, go somewhere else.

Mr. Conway: —is that we somehow should have a participatory democracy, a franchise that reflects that.

Mr. Warner: The Prime Minister was joking.

Mr. Conway: I must say in concluding these footnoted remarks that what the member for Parkdale says about the principle, the notion of “civis Romanus sum,” is that it is very fundamentally an elitist concept; and I can't deny that. I tend to think that with my sense, my concept, my notion of citizenship, which I have said earlier is the cornerstone and the basis for my franchise and my criterion for that, it is in fact elitist. I don't in any way, shape or form wish to deny that. I think there is a treasure, a value, an inherent worth that is undoubtedly elitist about that concept. I think that should be said, I am happy to say that; and I am delighted that the member for Parkdale has participated as he has.

Ms. Gigantes: Isn't that nice of you.

Mr. Reid: Mr. Chairman, I appreciate

many of the remarks that have been made tonight by members on all sides, and obviously they hold the views they hold with a great deal of sincerity. There are also a number of members who hold some of the views they hold with some sense of contradiction, but we won't go into that except to say that the House leader for the NDP and one of the leadership aspirants, Mr. Chairman—I am sure that probably you don't know who I am talking about because it has received absolutely no press coverage or impact on the province of Ontario as to the fact—

[10:00]

Mr. Warner: What does this have to do with the bill? You are bumbling again.

Mr. Reid: —as to the fact that I shouldn't even be doing them this favour by saying that, in fact, there is an NDP leadership convention because nobody outside this chamber knows it.

Mr. Warner: Why don't you resign? What nonsense.

Mr. Reid: Almost nobody outside the NDP caucus knows it. You see them huddling in little groups in the men's and in the women's rooms to discuss these matters.

Ms. Gigantes: Have you heard of washrooms, Patrick Reid?

Mr. Chairman: I am sorry, I cannot accept the sub-subamendment.

Mr. Wildman: Mr. Chairman, tell him to get his remarks out of the washroom.

Mr. Reid: I would draw to your attention that one of the leadership aspirants for the NDP—

Mr. Chairman: Order. I am afraid I cannot accept a sub-subamendment if that is what you are leading up to.

Mr. Wildman: Your remarks are subsub.

Mr. Reid: No, I am not, I wanted to indicate my preference for the leadership of the NDP. But if it was between having—

An hon. member: Tell us another time.

Mr. Reid: —Mr. Cassidy, Mr. Deans and Mr. Breaugh, I was prepared to cast my vote in favour of anyone else. But that is probably not part of the debate. I did want to bring to your attention that one of the aspirants for the NDP leadership was a member of the select committee—

Mr. Chairman: Would the hon. member get back to the amendment?

Mr. Reid: I am, I am.

Mr. Wildman: Sooner or later.

Mr. Reid: I was a member of the select

committee on economic and cultural nationalism, a select committee of this Legislature—

Mr. McClellan: Why don't you tell us about your summer vacation?

Mr. Reid: —which signed a report which said that people we are talking about, who have been in this country long enough—

Mr. McClellan: What did you have for lunch?

Mr. Reid: —should not be given the privilege of voting in this society.

Mr. Reed: Oh, who was that?

Mr. Warner: Just because we have a snowstorm you have no place to go.

Mr. Reid: His name, because I have been asked, Mr. Chairman, was Ian Deans, the member for Wentworth—

Mr. Cunningham: Wentworth period.

Mr. Roy: Your inconsistency is consistent, I will say that for you.

Mr. Reid: So it is very nice that the member for Welland-Thorold would put this resolution. Obviously he is not a supporter of the member for Wentworth. However, the last speaker for the NDP gave quite an impassioned speech about his historical background. When that unfortunate catastrophe happened, a lot of his countrymen and others came to the riding of Rainy River and settled there. They have been great and responsible citizens. But we have to look at the situation

Mr. Conway: Have they voted for you?

Mr. Reid: —in the world and see what other countries do in regard to granting citizenship and full rights of citizenship to the members of that society. I don't think in today's historical context that we, in this province, should be prepared to ask less of the people who come to our shores than anybody else does. In fact, given the problems we have in Canada and in the world, I think we have to ask for a commitment from people before they have that right to cast a vote in our Canadian democratic system, both federally and provincially.

Mr. Chairman, I have a riding made up of a lot of ethnic peoples who came to this country and decided they wanted to be Canadian and Ontario citizens. They made that choice and they should, having made that choice, having decided they would become full members of the community, be given the right to participate in our Canadian and Ontario democracy. In view of the things that have gone past in this Legislature, it is only right and just that this amendment carry.

Mr. Epp: Mr. Chairman, I want to particu-

larly associate myself with the remarks of the member for Hamilton West (Mr. S. Smith), who has made one of the more eloquent speeches I have heard in this house since coming to this House on June 9—

Mr. Martel: You heard that, Pat. Did you? You heard what your colleague said?

Mr. Epp: It is unfortunate the House could not hear the remarks he made. It is unfortunate a number of members had made a commitment to oppose the amendment prior to coming to this House, prior to hearing those remarks.

I heard the remarks of the member for Durham West (Mr. Ashe). He indicated he personally was not going to vote for this. I can only surmise from that that the rest of the party will vote for the amendment.

Mr. Warner: You don't understand the Tories then.

Mr. Epp: The Treasurer made a statement to the press which I read in the Star of November 17, 1977, and I quote: "Treasurer Darcy McKeough, who introduced the legislation,"—and this refers to the amendment we're speaking to now—"said yesterday that he had 'no objection to that one way or another.'"

I can only assume from that that members opposite will then support this amendment and that the member for Durham West—

Mr. Roy: Or follow their conscience.

Mr. Epp: —who has indicated he will be opposed to the amendment will be out of step with his party.

Mr. Roy: Is the Minister of Labour going to support it? She is free to vote as she likes.

Hon. B. Stephenson: As always.

Mr. Epp: I want to correct some misconceptions that have been expressed in this House earlier this evening, during what I think has generally been an excellent debate. Some people feel by removing this clause, British subjects who currently can vote will not be able to vote in the future and that this will deprive people of the vote. I can only assure the hon. members of the House that these people will be given every opportunity to become citizens. I'm sure the government of Canada would not in any way impede their efforts to become Canadian citizens, and they could then vote.

Mr. Roy: That's right. They've got 10 months.

Mr. Epp: I might just point out to the hon. members of the House that historically the reason this was entertained some 110 years ago or so was that British subjects could vote

here because they had the same kind of government in Britain. It was not expected at that time that people from Uganda, India, Pakistan and all over would be able to vote. Because the people who came here had the same form of government here as that under which they had lived in Britain, they felt they could understand it, and that when they came here they'd be able to fit into the life-style and into the kind of government structure we had.

Mr. Roy: We were considered a colony.

Mr. Epp: We were considered a colony for many years thereafter. It wasn't until the Statute of Westminster that this status in great part was taken away from us and given a more responsible position. The member for Wentworth indicated that this particular amendment was brought in by the back door. I resent that, because the public has known about the amendment for at least a month.

Mr. Deans: I did not say the amendment was brought in by the back door. I said the concept.

Mr. Epp: Our party took this position four years ago when we discussed the Municipal Elections Act at that time. To suggest that it was brought in by the back door is an unfair comment. I'm sure it's not worthy of the member to state those things. Nevertheless, he did state it.

The other point I want to make is that if this House, which I hope it does, passes this amendment this evening and passes the private member's bill, which my hon. friend from Kitchener will be introducing, which will affect the provincial Election Act, then at all three levels of government the same franchise will accrue to the people of this country, this province and the municipalities.

I would urge all members to take this positive step this evening and make Canadian citizenship the only criterion by which people in this province can vote in municipal elections.

Mr. Warner: I appreciate the opportunity to make a few remarks and I will attempt to keep them brief.

Mr. Chairman: Order, please. There are a number of private conversations which make it difficult to hear.

Mr. Warner: They obviously didn't know I was about to speak.

I wish, first, to compliment the member for Ottawa East who presented his thoughts in a very sensitive way, and I do want to appreciate his comments.

There's a very basic problem that we're faced with tonight when we take a look at the

Liberal amendment. That is that, without wishing to be particularly, unduly provocative to the official opposition, it seems to me that in some measure it's an attempt to play government. The whole business of dealing with the requirements for voting surely should be addressed first in terms of the provincial statutes, in terms of those who are eligible to vote in a provincial election.

The municipalities are, as we know, creatures of the province, they are not creatures of the federal government. Whatever kinds of rules and regulations prevail for federal elections do not necessarily have to carry for municipal elections. If it is the wish of this House to change the rules for municipal elections, surely the rules should first be changed for provincial elections and then bring the municipalities' rules and regulations into line. I think that's the proper procedure.

The Liberals, through their amendment, are trying to circumvent that, to play government, and to change the rules for municipal elections without any regard to the rules which apply to provincial elections.

I think, to some extent, what our sub-amendment does is to rescue that situation, to provide a certain amount of equity, especially for those people who have resided here for a full two years; who obviously, by their residence, fully intend to participate in our city; they pay taxes for schools, for municipal services; they have intentions, and as we know by our record, Mr. Chairman, in terms of those who take out citizenship, they become Canadian citizens.

They surely should have a voice in the local municipal councils. They should have the opportunity to express their opinions related to the taxes which they pay. The sub-amendment moved by the critic of this party affords them that opportunity, and therefore I wish to support the sub-amendment.

I regret, quite frankly, that the Liberal Party chooses to bring their amendment forward at this particular time. Surely they could have served notice to the government, as they have done in the past, and the government could have seen fit to have brought in the proper kind of provincial legislation first, then we could have dealt with the municipal situation afterwards.

In conclusion, I appreciate the opportunities that have been afforded to us tonight by way of our sub-amendment and I would hope, as the member for Ottawa East indicated earlier, that not only he but his other colleagues will be supporting our sub-amendment. I appreciate that and look forward to its quick passage.

Mr. Chairman: Are there any further comments on the subamendment?

All those in favour of Mr. Swart's amendment to the amendment on section 12 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Shall we stack this subamendment?

Some hon. members: Agreed.

[10:15]

Hon. Mr. Welch: Mr. Chairman, may I suggest that we perhaps have a bell now to deal with the stacked votes that have accumulated until this time?

Mr. Breithaupt: Mr. Chairman, perhaps it would be more convenient to put the main motion as well so that the two stacked votes could be dealt with and then it may not, or it may be, otherwise, necessary to amend certain other sections with respect to these items.

Mr. Chairman: Is it agreed by the committee that I place Mr. Epp's amendment?

Some hon. members: Agreed.

Mr. Chairman: All those in favour of Mr. Epp's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Shall this be stacked?

Some hon. members: Agreed.

The committee divided on Mr. Epp's amendment to section 9(1), which was negatived on the following vote:

Ayes 22; nays 60.

Section 9 agreed to.

[10:30]

The committee divided on Mr. Epp's amendment to section 10, which was negatived.

The committee divided on Mr. Swart's amendment to Mr. Epp's amendment to section 12(b), which was negatived on the following vote:

Ayes 19; nays 63.

Mr. Breithaupt: Mr. Chairman, we are prepared to accept the same vote.

Mr. Gregory: Mr. Chairman, on a point of order: It is not the same vote.

Hon. Mr. Welch: Why?

Mr. Gregory: One less.

An hon. member: He has changed his ways.

Mr. Chairman: I declare the amendment lost.

Section 10 agreed to.

The committee divided on Mr. Epp's amendment to section 12(b), which was negatived on the following vote:

Ayes 25; nays 57.

Section 12 agreed to.

On motion by Hon. Mr. Welch, the committee of the whole House reported progress.

On motion by Hon. Mr. Welch, the House adjourned at 10:40 p.m.

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No. 75

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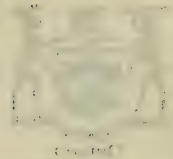
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First Session, 31st Parliament

Friday, December 9, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

FRIDAY, DECEMBER 9, 1977

The House met at 10 a.m.

Prayers.

STATEMENTS BY THE MINISTRY

ACTIVITIES OF RCMP

Hon. Mr. McMurtry: Mr. Speaker, I have some information in response to questions raised by the leader of the New Democratic Party on November 1.

The questions were in relation to his party and any investigation of it by the Royal Canadian Mounted Police during the years 1971 to 1973, inclusive.

In response to those questions I wrote to the Hon. Francis Fox and the Hon. Ron Basford on November 2, asking them for information in this regard. At the same time I provided the leader of the New Democratic Party with copies of my letters to those two gentlemen. Late on December 6, I received a rather short reply from Mr. Fox which said, in part, and I quote:

"I have been assured by the Royal Canadian Mounted Police that they have not conducted an investigation into the activities of the New Democratic Party as such. As I have stated in the House of Commons, however, membership in a political party does not give immunity to anyone who would tend to promote changes brought on by violent and undemocratic means."

Mr. Fox went on to say in his letter that M. S. Sexsmith, deputy director general, operations, for the RCMP security service, would provide any further information in this regard.

As a result of this letter, I requested the following day that Mr. R. M. McLeod, acting assistant Deputy Attorney General, meet with RCMP officials in Ottawa. As a result of that meeting, a summary of RCMP activity in this regard was obtained. That summary, obtained from the RCMP, is as follows, and again I quote:

"1. The RCMP have not conducted an investigation into the activities of the New Democratic Party.

"2. After a complete review of their files and to the best of their knowledge, Assistant Commissioner Sexsmith and his staff advise that no member or agent of the RCMP has

ever committed any illegal entry of any NDP office or other NDP premises anywhere.

"3. The RCMP have always acted in the belief that membership in a political party does not give immunity to anyone who would tend to promote changes brought on by violent and undemocratic means and thereby attract the attention of the RCMP on the interest of national security.

"4. Between 1970 and 1973 the RCMP did conduct investigations into the activities of certain members of the Waffle group while it was still a part of the NDP. This was explained as follows:

"(a) When the Waffle group came into being, it invited persons outside the NDP to join its ranks. These persons included ex-members of the Communist Party of Canada and members of the Canadian Trotskyist movements. The leaders of the League for Socialist Action (Trotskyists), in fact, directed their members to join the Waffle group.

"(b) The RCMP investigation of certain members of the Waffle group established that subversive elements penetrated the NDP through the Waffle in order to gain more respectability, credibility and influence."

Ms. Gigantes: Subversive elements, huh?

Hon. Mr. McMurtry: "Although the RCMP investigation concentrated on individuals of security interest, inquiries were broadened sufficiently to put the activities of these individuals in proper perspective. The investigation was de-emphasized"—and I want to emphasize this—"the investigation was de-emphasized after the NDP decided to rid itself of the Waffle.

"The individuals of concern to the RCMP, having lost the legitimacy of membership in the NDP, also lost interest in the Waffle. The RCMP concern with these individuals was not reduced, but any concerns that the RCMP had that these subversive elements were using the Waffle as a means of penetrating the NDP and therefore as a means of acquiring credibility and influence was accordingly eliminated.

"(c) During the period referred to in paragraph (b) above, the RCMP concern with individuals in the Waffle was increased when it was found that a Canadian news

media person, closely associated with leading people in the Waffle, was meeting clandestinely with Konstantin Geyvandov, a Russian KGB intelligence officer who, between August 1968 and September 1973, operated in Canada as a Pravda correspondent."

Mr. Nixon: Where is he a member of?

Mr. Gaunt: KGB.

Mr. Turner: We knew it all along.

Mr. Nixon: Was he a British subject?

Hon. Mr. Welch: No, but he had been here for two years.

Mr. Nixon: Pravda.

Hon. Mr. McMurtry: "The RCMP investigation confirmed that this Canadian provided reports to Geyvandov during these clandestine meetings and on at least six occasions was paid money by Geyvandov. Amongst other things, the Canadian was specifically asked by Geyvandov to provide reports to him on the NDP and the Waffle.

"(d) The RCMP believed that Geyvandov's purpose in seeking such reports was to assist the Russian KGB intelligence service in deciding whether the Waffle group or any of its members were worthy of further attention by the KGB."

Mr. Gaunt: Now a pipeline right to the Kremlin.

Mr. Nixon: They said they would fire him when they got that report.

Mr. Martel: Our KGB will get you now. I am going to turn the KGB loose on the Premier (Mr. Davis).

Hon. Mr. Davis: They were looking for you!

Hon. Mr. McMurtry: "(e) Geyvandov returned to the Soviet Union in September 1973. On January 8, 1974, the USSR Embassy in Ottawa was advised by the Department of External Affairs that because of activities unrelated to his work as a journalist, Geyvandov would not be permitted to return to Canada.

"(f) Consideration was given by the RCMP to the possibility of laying a charge against this Canadian news media person but the conclusion reached was that no charge could be laid."

Mr. Speaker, that is the conclusion of the summary that was obtained by my office, more particularly Mr. McLeod from the RCMP, in relation to the activity of the RCMP following the receipt of the brief letter to which I referred from Mr. Francis Fox.

NUCLEAR CONTROL BOARD

Hon. J. A. Taylor: Mr. Speaker, on December 5 the Leader of the Opposition and the

member for Halton-Burlington (Mr. Reed) expressed concern that provincial interests might be abrogated by the federal government's recently proposed Nuclear Control and Administration Act and asked whether there had been meaningful consultation between the federal and provincial governments on this Act.

This has been a major concern of my own for many months now. In fact, the lack of federal-provincial consultation in this area has prompted considerable correspondence on this matter between the federal Minister of Energy, Mines and Resources, Hon. Alastair Gillespie, and myself, dating from April 25 of this year. I have made it very clear in letters and telexes to Mr. Gillespie, dated April 25, June 24, September 9 and November 16, that this is a matter of serious concern to Ontario.

In summary, on three separate occasions I have asked that the substance of this new federal bill be submitted to the provinces for consideration before its introduction into the Commons. I also expressed specific concern over the proposed decontamination fund and the way it would operate.

I expressed concern about the degree of control that the federal government would exercise over heavy water plants. I expressed concern over the possible duplication of hearings, and unnecessary delays which might result from the new hearing process under the Nuclear Control Board. I expressed concern over the extent of the federal government's authority over uranium as an energy source. I have made it abundantly clear to the federal minister that many aspects of this Act affect the provinces, particularly Ontario, which is undertaking an important nuclear program.

To quote from my most recent telex to Mr. Gillespie, of November 16:

"I can only reiterate Ontario's concern. Ontario is both a major producer of uranium and the major user. Consequently, we are concerned with both the jurisdictional ramifications and economic impact that the Nuclear Control and Administration Act may have on uranium mines and mills; fuel fabricating; heavy water production; uranium marketing, both domestically and abroad; on nuclear power production; and, of course, on the whole spectrum of irradiated fuel management."

Also, in a letter of September 9, 1977, to the federal minister, I said: "I do hope . . . you will reconsider your position in the light of open disclosure of proposed legislative changes by other parts of the federal government, and make available the key proposed

legislative changes in a form which can provide a basis for meaningful assessment and discussion."

In spite of these efforts, other than peripheral discussions at the staff level about what the bill would likely contain, there has been no meaningful consultation on energy-related matters in the drafting of this bill. I understand that the ministries with other interests, however, have also held discussions with federal authorities with varying degrees of success.

I would also like to point out that the new Nuclear Control Act very clearly separates environmental from energy concerns. Questions on this issue, and as to how the Environmental Assessment Act process should be co-ordinated with the Nuclear Control Board hearings, ought to be properly addressed to the Minister of the Environment (Mr. Kerr). The Act also clearly discusses occupational health and safety issues which would fall under the aegis of the Minister of Labour (B. Stephenson).

It is a matter of great concern to me, as I expressed at the recent federal-provincial energy ministers' conference in Ottawa, that the federal government would take such an aloof approach on an issue of such substantive importance to the provinces.

[10:15]

This unilateral action without provincial consultation was very similar to the way the federal government introduced the Canadian home insulation program earlier this year.

I was successful, with the support of the other provinces, in having Mr. Gillespie recognize the error of his ways on that issue. Because of my initiative as chairman of the Council of Provincial Energy Ministers, changes are being made in that program. It now allows for Alberta and Quebec to participate in the insulation program and, in addition, a process to initiate other changes was agreed upon which will broaden the program so that its application will be more meaningful to all sections of Ontario.

I regret the attitude of the federal government on this matter of the Nuclear Control and Administration Act; I have not stopped pressing for more consultation on this and the related matters of uranium and thorium legislation. I hope that, through the new forum of the Council of Provincial Energy Ministers, I will be able to make the federal government come to recognize that there must be more provincial consultation at every stage in the development and carrying out of new policies which so directly affect Ontario and other provinces.

Mr. S. Smith: I'd like to ask a question of the Minister of Transportation and Communications (Mr. Snow). I must say I'm fascinated by this KGB story, but I think we'll let that go for now.

Hon. Mr. Davis: Why aren't you asking a question? I thought you might.

Mr. Nixon: Let it sit just the way it is.

Mr. S. Smith: I'll just wait on that.

Mr. Warner: They're a paranoid group.

Mr. S. Smith: It seems to me your report is casting a cloud over the press gallery, but we'll wait.

ORAL QUESTIONS

INTERMEDIATE CAPACITY TRANSIT SYSTEM

Mr. S. Smith: A question for the Minister of Transportation and Communications: Does he have anything to report on the intermediate capacity transit project of the Urban Transportation Development Corporation in response to my earlier question to him in the House concerning that? If he does, will he also comment on reports that are circulating now that air cooling of the linear induction motors has been abandoned in favour of liquid cooling? Would the minister agree that this would almost certainly add to the complexity and possibly even to the size and weight of the vehicles? Can he tell us, is he up to date on the problems and can he answer the questions I asked him about 10 days ago?

Hon. Mr. Snow: Mr. Speaker, I'm getting the information that the hon. member asked for. I would mention that my estimates now are in committee and we have set aside Monday evening next to deal with the UTDC project and with questions that the committee or any member of the House may have regarding UTDC.

As far as the question regarding liquid cooling of the linear induction motor is concerned, I have not heard anything about this aspect. It has not been reported to me at this date.

Mr. S. Smith: A brief supplementary: Although I'll be very happy to hear the minister in estimates, does the minister not agree that this project, which is costing some \$55 million or so as he attempts to reinvent the streetcar and the bus, is surely something that the minister himself ought to be up to date on at all times? Is not 10 days a rather long time to come up with answers to a rather vital question?

Hon. Mr. Snow: I do get periodic reports on the UTDC project, but I am not in touch with the UTDC board or president on a day-to-day basis.

Mr. Philip: Supplementary: I wonder if the minister would comment on the rumour that the cars are being lengthened substantially, which would fit into the question the Leader of the Opposition (Mr. S. Smith) has asked him, namely that we seem to be moving to nothing more than a glorified street-car, having spent something like \$85 million on this project already?

Hon. Mr. Snow: I don't know where the hon. member gets the \$85 million figure, but I'm sure we'll have ample opportunity on Monday evening to discuss what has been spent on this project to date.

I did state in the House in my preliminary answer to the Leader of the Opposition that there was some consideration being given to some lengthening of the vehicle itself. This has been brought about because of advancements in the design as the project has moved forward. I can't tell the hon. member exactly what percentage of lengthening is being considered, but we'll have all that information for him on Monday evening.

STATUS OF REPORTS

Mr. S. Smith: May I ask a question of the Minister of Correctional Services? Could the minister tell us about two reports on his ministry's activities?

First of all, at what stage is the Ombudsman's report on provincial correctional institutions? Will we see it before Christmas?

Secondly, has he consulted with his colleague, the Attorney General (Mr. McMurtry), to determine when the report of the royal commission on the Don Jail will be ready for us to look at?

Hon. Mr. Davis: Probably by the time it is torn down.

Hon. Mr. Drea: Under the procedures of the Ombudsman Act, his reports go back and forth at the civil service level. The final report is about a week or 10 days away from coming to my office. As I said last night in estimates, I haven't read it and I won't read it then. I have to print about 500 to 600 copies for the media, the opposition parties, the Legislature et cetera. I would hope that would be some time in the middle of January, although it's a difficult time of year in the printing industry. When it comes back, I will consider it received and it will be available within 24 hours.

In my estimates last night I informed the critics of the opposition party and of the

New Democratic Party that it would be approximately 10 days or so before the printer would be delivering it. As soon as I can get a relatively firm estimate of when it will arrive, I will tell them so they can be prepared for it. To the best of my knowledge, it will be some time about the third or fourth week of January.

As for the question pertaining to the royal commission, I have had a communication from Judge Shapiro which states that he is proceeding. It is more of a courtesy letter, because he is not responsible to me; it is a matter for the Attorney General.

The ministry has been providing Judge Shapiro with additional information and with various other kinds of reports, to keep him up to date. This information has not necessarily been on the Don Jail because, as I understand it, he is looking at conditions in general—staff and so forth. He assured me in the letter, which I received about three weeks ago, that he was working towards the completion of his report. I don't know what communications the Attorney General has had with him.

Mr. S. Smith: By way of a brief supplementary, I thank the minister for his answer. Would he be good enough to consult with his colleague, the Attorney General, to determine when this commission, which was established in November 1974 to study allegations of brutality, will present its final report? Although these allegations relate to a jail that is to be closed by the end of the year—and while I hope it won't be destroyed, it may well be in the future—it would be nice to see that report. Could he please make this inquiry of the Attorney General and let us know what the situation is?

Hon. Mr. Drea: Yes, I will.

I would just point out one other thing to the Leader of the Opposition. When studies take this long—and I'm not casting any aspersions on why it has taken so long—there is a tremendous difficulty for the critics of the parties for the Legislature and for the media, because they're longitudinal studies. The people start into them and then find that problems cease to exist or have been corrected. They are very difficult to interpret or to comment upon meaningfully.

I will ask the Attorney General about the status of Judge Shapiro's report but, just from reading that letter, I would think it would be about five or six years away.

ACTIVITIES OF RCMP

Mr. Lewis: I am afraid I might contaminate the Attorney General, Mr. Speaker, by asking any question at all.

I have just read the Attorney General's extraordinary statement—and may I ask him, just out of curiosity, what he thinks about the statement he read? His statement was, as I understand it, largely a report on what the RCMP had revealed to his own staff. What does the Attorney General think about all this stuff? How does he react to all of that as an Attorney General, as a noted civil libertarian, as a man of exquisite judgement, taste and talent? How does he react to this material? I am not going to tell him what I think, but how does he feel about it all?

Hon. B. Stephenson: Flattery will get you anywhere.

Hon. Mr. Davis: You are getting carried away, but you forgot to mention he is an artist.

Mr. Lewis: Yes, and an artist; I am sorry.

Hon. Mr. McMurtry: Despite all those very complimentary adjectives attributed to my undoubted talents by the leader of the New Democratic Party, I hardly consider myself to be any sort of expert on national security matters.

I was very concerned about the allegation that any police force might be investigating the activities of a legitimate and very important political party. I think my concern was reflected by my immediate request, and I supplied the leader of the NDP with copies of my letters. I hope this indicated my concern in this matter to the leader of the New Democratic Party.

I was somewhat surprised when so many weeks went by. When the leader of the New Democratic Party asked me informally in the House a week or so ago when I might tell the House whether I had received any reply from Mr. Fox, I was rather curious about the delay myself because I had been led to believe, on an almost daily basis, that a letter was forthcoming.

The letter that finally arrived on my desk was not totally satisfactory. I felt that if I had simply reported to the House on the basis of that letter, the leader of the New Democratic Party justifiably would have been quite unsatisfied with my answer.

I read into the record virtually the whole letter from Mr. Fox, which said that they had "not conducted an investigation into the activities of the New Democratic Party as such." With respect, I didn't think it would satisfy the members opposite to simply state that that was the response.

I am sure one of the questions would have been, was I satisfied with that response? Obviously not, because I instructed Mr. McLeod, our senior Crown law officer in the criminal field, under the Deputy Attorney General and myself, to meet with the RCMP and obtain clarification as to what they meant by an investigation into a political party "as such."

I think we all have to be very concerned about maintaining the integrity and independence of political parties. We have to keep them free from any unjust harassment from any quarter, whether it be from police forces or any other quarter.

As a result, Mr. McLeod received a summary which I read into the record in its entirety. Whether or not the RCMP should have been concerned—which I see as implicit in the leader of the New Democratic Party's question—quite clearly is not something that I feel qualified to make a judgement on.

However, I think it is very clear from this report that the RCMP had legitimate concern about certain individuals who may have formed a very small part of a group trying to infiltrate a legitimate political party. Obviously, no political party has any control over the members who may seek to join its ranks.

[10:30]

Mr. Makarchuk: Don't forget your Western Guard association.

Hon. Mr. McMurtry: I think it's quite clear from the RCMP report that it was concerned about these individuals and the fact they might exploit their membership in a legitimate political party. As to whether or not I would agree that their concern was justified, I don't have all the facts on which their concern was based. I've really attempted to communicate to the Legislature all the relevant information I have in this very sensitive matter.

Mr. Lewis: I don't regard it as sensitive any more—not after this, I can tell the minister—but let me thank him.

Hon. Mr. McMurtry: I wonder if I might comment on that. I hope it has been made abundantly clear by this statement that the RCMP had no grounds at any time to suspect the activities of the New Democratic Party. I just want to underline that.

Mr. Lewis: Nor did they ever thank us, in the interest of national security, for turning the Waffle out. I never got a letter of commendation from the RCMP.

Hon. Mr. McMurtry: That's something I intended to add in my original remarks.

Hon. Mr. Davis: I look back over there and I am not sure.

Mr. Yakubuski: They've still got one there.

Hon. Mr. McMurtry: I am not in a position to speculate as to the nature of the concern of the leader of the New Democratic Party with the Waffle.

Mr. Lewis: I think they were just silly.

Hon. Mr. McMurtry: Obviously he had a sufficient amount of concern, if I may say with respect, to stake his own political future and put it on the line in kicking them out, I say to his everlasting credit.

Mr. MacDonald: You watch the Western Guard in your ranks.

Mr. Lewis: I may share with the Attorney General privately that it was a matter of mental health, not national security. It was pathology, not ideology, that was involved.

LAYOFF OF NICKEL WORKERS

Mr. Lewis: May I ask a question of the Premier on an unrelated subject, thank goodness? How is the government of Ontario going to respond to the suggestion that came from the federal government in the House of Commons yesterday that somehow it was the environmental standards which we were imposing on the resource companies doing business in Ontario that lay at the root of some of the economic difficulty; and that either we should reduce the environmental standards or perhaps return some of the money which has been paid to maintain those standards? Is it possible to win from the Premier a repudiation of that federal suggestion?

Mr. MacDonald: As he did the Japanese cartel.

Hon. Mr. Davis: I did have occasion, not only to read his remarks, but to observe Mr. Gillespie in action. There are some benefits also, on occasion, from television. Without checking all of the factual and financial information, I really found it regrettable that a federal minister of the Crown would make such observations.

As I said in my reply to the Leader of the Opposition yesterday, I don't think one can ignore—nor should we, nor should the select committee—the balance that must exist between the economic viability of any industry and the need to move ahead with improvement of the environment.

As I understand it in my fairly lengthy discussions with both Inco and Falconbridge,

they will acknowledge our environmental controls did impose upon them the need for further capital investments. But they also have stated to me that their present situation, their ability to produce competitively in the world marketplace, at least at this point in time, has not been made much more difficult by our environmental controls. It has had some impact.

I think it's very regrettable that a minister of the Crown in Ottawa would seek to lay the blame on a province that is endeavouring in its own way to move ahead in the environmental field. I guess if I were provoked by some supplementaries I might even use stronger language, but I was very disappointed in Mr. Gillespie's attitude and I make no bones about it.

Mr. Lewis: By way of supplementary: doesn't the Premier think that Mr. Gillespie was wilfully and maliciously intruding in the affairs of the Ontario economy in a fashion clearly ultra vires; that, like all other federal Liberals, he just plays games with problems of the economy, games which are mirrored here as well? Can I ask the Premier for a simple yes or no?

Mr. S. Smith: Have you thought of a road show?

Mr. Lewis: Actually, I have a couple of months.

Hon. Mr. Davis: I guess the Liberals are embarrassed by it, as they should be.

Mr. S. Smith: You don't like what he said either.

Mr. Nixon: Why don't you say yes?

Hon. Mr. Wells: He is part of their Metro campaign.

Mr. Makarchuk: They probably endorse his views.

Hon. Mr. Davis: No, Mr. Speaker, I am not prepared to say that it was totally wilful or malicious. I might use the word "incompetent"; incompetent might be a better way to describe his sort of instantaneous response yesterday.

Mr. Lewis: I'd accept that, too. Can the Premier be driven further by a further supplementary?

Hon. Mr. Davis: Mr. Speaker, if one uses the words "malicious" and "wilful," it means perhaps that person gave it a great deal of thought before he made that response.

Mr. Lewis: Does the Premier think he is incapable of that?

Hon. Mr. Davis: I am not prepared to give Mr. Gillespie that amount of credit on that particular statement.

Mr. Martel: Might I add a little fuel to the fire, then?

Mr. Makarchuk: The pacific member from Sudbury.

Mr. Martel: Will the province, rather than reducing the resource tax as the feds have asked, suggest to the feds that they get out of the imposition of double taxation, which they brought in several years ago in the field that was the prerogative of the province; that is, the taxing of revenues from the mining industry?

Mr. Lewis: Despite the Supreme Court of Canada.

Hon. Mr. Davis: I might suggest that to them. I might suggest getting out of the 10-cent excise tax on gasoline. I might suggest a lot of things to them; in fact, they have been suggested. Of course their response in this particular area demonstrates their lack of capacity to come to grips with basic economic issues, which lack of capacity I think is being demonstrated conclusively day after day in the House of Commons.

Mr. Nixon: The 10 cent tax is federal but the 19 cents is yours. Do we have to go through that again?

Mr. Yakabuski: Don't defend them; apologize for them.

Mr. Speaker: Order.

Mr. Kerrio: If anybody is in bed together, it is the Conservatives and the feds.

Mr. Yakabuski: You're one and the same.

Hon. Mr. Davis: You are running into trouble along with them.

Mr. Yakabuski: They're afraid of their shadow.

Mr. Speaker: You are wasting the question period.

Mr. Martel: A further supplementary to the Premier: Since the feds have made some suggestion with respect to what the province might do, might the province now ask the feds to stockpile nickel as they stockpiled uranium, wheat and sugar and subsidized gold for many years to keep those industries alive rather than to allow the disaster to occur in Sudbury? Would the province ask the feds to stockpile some nickel?

Hon. Mr. Davis: Mr. Speaker, I understand that suggestion has been made to the government of Canada. To date, I don't believe they are considering it, but that suggestion was made some many weeks ago.

Mr. S. Smith: What does Joe Clark recommend?

Hon. Mr. Davis: Oh, come on. Never mind Joe. You guys are defending them again. You made that mistake two years ago.

Interjections.

Mr. Speaker: I would like to hear the Minister of Education, if I might.

SCHOOL CUTBACKS

Hon. Mr. Wells: Mr. Speaker, a few days ago the hon. member for Brantford asked me a question, which I must say gave me some concern, concerning fire evacuation in fire drills at the W. Ross Macdonald School in Brantford. I asked for a complete report on this, and I am informed that the evacuation procedures in the W. Ross Macdonald School have been established and reviewed in co-operation with the Ministry of Government Services' safety branch, and they have been accepted by the fire prevention officers of the Brantford fire department.

A review of the records has established these two things: 1. At no time was the staff unable to get the children out. 2. The range of time for evacuation is from two minutes and 10 seconds to four minutes and 30 seconds, with an average evacuation time of three minutes for both classroom and residence settings. These statistics also included three false alarms which were inadvertently caused during that period when the records were kept. I am further informed that these evacuation times are acceptable to the school fire safety office.

In presenting this report, I would say if the hon. member knows of any other instance that doesn't conform to what I have been informed and told, I would be happy to have him give me that information. These are the facts I have ascertained from my review of the situation.

Mr. Makarchuk: Supplementary: Would the minister in that case talk to the staff and the counsellors at the school and particularly investigate the problems they have experienced in evacuating students at night, not during the time when the school was operating and the classes were full?

Hon. Mr. Wells: I particularly asked that question. In fact, I delayed a few days in giving this answer to ask them to be sure there had not been any indications of times when there was a difficulty. As my friend knows, there was the very unfortunate death of the superintendent there and there is now an acting superintendent. However, I think the transition is going well in that regard.

I will be glad to double-check that again because we are certainly concerned about fire safety regulations and the safety of the

children, and I want to be sure everything that is possible is done to guarantee that.

Mr. Makarchuk: A further supplementary: The problem arises at night. As I said, the reason for the problem is the lack of staff. As a result, they cannot get the students out of the rooms. I think that is the area the minister should investigate.

LAKESHORE EROSION

Mr. G. I. Miller: I have a question of the Minister of Natural Resources. In view of the fact that approximately 30 land owners along the shore of Lake Erie east of Port Burwell are planning a major suit against both the federal government and the government of Ontario for erosion damage to their property which they claim is caused by the construction of a breakwater at Port Burwell; in view of the fact that one farmer by the name of Mr. John Balthes has lost 75 acres to erosion; and in view of the fact that they are planning to spend up to \$15,000 on legal fees, I was wondering if the minister has any program that would be of assistance to these farmers? If so, would he consider meeting with them and discussing it?

Hon. F. S. Miller: The details have not been brought directly to my attention, although I am sure my staff are aware of them. I will be glad to look at them before I agree to see them, but normally I would be delighted to see people of that nature.

Mr. G. I. Miller: Supplementary: Is there a program available then that the minister is aware of at the present time that would be of assistance?

Hon. F. S. Miller: Since I have been minister this has not been a problem. In other words, as far as I know, we haven't advanced money. I understand this was a major problem two or three years ago with the high waters in Lake Erie. I believe there was some federal-provincial money for some dike and shoreline protection. Whether this is carrying on, I am not sure; but again I can check.

HERITAGE LANGUAGE PROGRAM

Mr. di Santo: I have a question of the Minister of Education. I would like to ask the minister if he can confirm the report which appeared in the *Globe and Mail* on December 7 in which he is quoted as saying that the North York Board of Education is charging for heritage language programs and that he is not prepared to change the decision made by the ministry. Is he at this time prepared to give assurance to the House that the ministry is willing to make sure the heritage program

will be initiated in the largest board of education in the province?

Hon. Mr. Wells: I am informed from my discussions with the North York board that the program will be instituted but that they do intend to charge a \$25 fee. There is no legislation that prohibits that at the present time. Therefore, the decision as to whether that course of action is taken really rests with the North York board. As the member knows, this program is under the continuing education program. There are boards across this province—in fact, probably North York and many of the Metro boards—that do charge certain fees, but certainly not the full cost of the program for various programs.

We really have nothing except persuasive powers. As I said in that article in the paper, I don't agree with the fee. I would hope the North York board might consider not charging it, but we have to recognize they are an elected board, just as we are elected, and we have given them the ground rules under which to bring in this program. They then have a certain leeway and, as elected members, have to make their decisions. I think the proper place for the people who feel the fee should not be charged, to direct their attention to is the elected trustees of the board of education in North York.

[10:45]

Mr. di Santo: Supplementary: Wouldn't the minister have the power to finance directly the total cost of the courses? Doesn't the minister realize that by charging \$25 since the institution of the heritage language program, the board of education of North York is charging more than what private groups were charging last year, which was \$15? And doesn't he think this is a shame and the program a failure?

Hon. Mr. Wells: As I said a few minutes ago, I don't agree with the \$25. I would be quite pleased if they did not charge for the program, which is the case in most of the other boards in this province. But the residents who feel that policy is wrong should direct their attention to the duly elected trustees of the North York board.

Mr. Warner: Surely you can pay more than 28 per cent.

Mr. Turner: Why don't you take him on?

Mr. Sweeney: Supplementary: Is there not a limitation within the Education Act as to how much a board can charge a parent for any program that it offers? It's my understanding that the limitation would not go as high as \$25, but I stand to be corrected on that.

Hon. Mr. Wells: I would be glad if my friend would show me the section. I asked our lawyers whether there was anything that, first of all, prevented boards from charging for a continuing education program. They tell me there is nothing in the Act that prevents boards from charging. It was not drawn to my attention that there was anything that set a limit. Certainly the boards could not charge above what the program was costing, but most of the charges on the continuing education programs are nominal charges, sometimes for supplies and equipment used, and so forth. But I would be glad to look at it.

TOURISM DEVELOPMENT

Mr. Eakins: Mr. Speaker, to the Minister of Industry and Tourism: I would like to ask the minister what action he took in response to a brief, presented by the Sudbury chapter of the Ontario Motor League in 1973, wherein it was predicted that the greater Sudbury area would be faced with extreme financial hardship in the near future because of the decline in the mining operations; and that, because of this fact, the minister could and should effect improvements that would establish tourism more firmly as a major northern Ontario industry in order to compensate for this anticipated loss of revenue. What action was taken on the part of the minister?

Hon. Mr. Bennett: Mr. Speaker, in trying to recall what action was taken on a memo that came into existence in November 1973, I could not be sure at this particular moment what our discussions happened to be at the time.

However, as a result of the input, not only by the group from the Sudbury area but from across this province, there were changes made by this government in various tourism programs to assist the local organizations on a direct funding basis to help them establish their advertising promotion operations in a more concrete way. Indeed, some of the areas of the development corporation were changed to afford greater opportunity for the private sector to upgrade and improve the facilities in the tourist industry and to give a greater number of people the opportunity to become involved in the tourist industry in a very direct way.

ALUMINUM WIRING

Mr. Warner: Mr. Speaker, I have a question for the Minister of Energy. With the knowledge of the tragic death of a baby resulting from a fire in Gleneaden Court in Bramalea, as well as of three house fires in Oakville and a house fire in Milton, where

in each case Ontario Hydro had inspected the homes and discovered illegal receptacles hooked up to aluminum wiring, will the minister demand that Ontario Hydro stop its cover-up of this situation and begin helping citizens by replacing the illegal receptacles?

Hon. J. A. Taylor: Mr. Speaker, the member knows very well that a royal commissioner currently is studying this whole matter, reviewing it, hearing evidence in an open and objective way, to determine whether there is any such relationship. I don't think the member can conclude that, merely because there was aluminum wiring, the accidents, death or fires were attributable to its existence. That is the function of the royal commission that has been set up.

When those recommendations are in, they will be given very close consideration by the Minister of Consumer and Commercial Relations (Mr. Grossman), who is responsible in terms of the building code—I hope the member appreciates that—and not my ministry. But Hydro, I can assure the hon. member, will take note of those recommendations.

Mr. Warner: Supplementary: Is the minister not aware that Ontario Hydro had banned the steel screw receptacles for aluminum wiring in 1974, had examined homes in 1976 finding the illegal receptacles but has never reported the same back to the owners, nor have they presented such evidence to the public inquiry on aluminum wiring?

Hon. J. A. Taylor: These are matters that surely should be dealt with by the royal commission. Ontario Hydro inspects wiring in this province; there's no question about that. If there isn't proper inspection, then I would assume they wouldn't get the service hookup. But what happens after that inspection, I suppose, is something else again. I certainly am not going to be drawn into some false conclusion just because of an allegation that the hon. member may make or he may have read.

Mr. Warner: Is the minister not aware that instead of presenting the evidence which it has, Ontario Hydro has spent its time in the inquiry cross-examining witnesses and having foreknowledge of the submissions made by witnesses before those submissions were made to the inquiry? They've been busying themselves with cross-examining people instead of presenting evidence which they have themselves.

Mr. Speaker: That's not a question. That's a statement.

Mr. Warner: No, I asked him if he was aware of that.

Hon. J. A. Taylor: Ontario Hydro is not on trial in connection with that hearing.

Mr. Warner: Maybe they should be.

Hon. J. A. Taylor: Ontario Hydro is there to be helpful in every way that it can be.

HIGHWAY SIGNS

Mr. G. Taylor: Mr. Speaker, a question to the Minister of Transportation and Communications—

Mr. Reed: Oh, this may be a tough one.

Mr. G. Taylor: In view of the fact that I have a community in my riding known as Penetanguishene, and in view of the fact that we have road signs indicating the distance to get there, could I ask the minister—not that I want a select committee on the matter—to have somebody from his ministry investigate why the signs giving directions to that community say “Penetang” and not “Penetanguishene,” even though I understand there is a restraint program on?

Mr. Foulds: They can't spell it.

An hon. member: They can't get it all on the sign.

Hon. Mr. Snow: Mr. Speaker, I'm not aware of this particular problem, but since the hon. member has brought it to my attention, I'll see if we can't find a little longer board and a few more letters to put the full name on.

ALUMINUM WIRING

Mr. Blundy: Mr. Speaker, I wish to ask a question of the Minister of Consumer and Commercial Relations. It has to do with the lack of response to the known fact that houses in several areas have been inspected and these homes have been found to have steel screw receptacles. Ontario Hydro inspected these homes in 1976 and has known about it.

My question to the minister is, in view of the fact that the hearing on aluminum wiring will not be reporting until the fall, is he content to let this known hazard in these homes go untouched or unreplaced until next fall, in view of the fact that we now have already one death caused by that particular cause?

Hon. Mr. Grossman: I'm very concerned about the possibility that there may be a dangerous situation continuing while we await the outcome of the aluminum wiring inquiry. Of course, my responsibility through my ministry is only to see that the inquiry proceeds and reports. The action to be taken either before or after that time is a matter for the government at large and some other ministries specifically.

Because of my very great concern with regard to the passage of time, I will be making some further inquiries in the next day or two, in addition to some I have already made to Dr. Wilson, with regard to seeing if he can report earlier than the member has anticipated.

I might say, as a result of some of our earlier inquiries, he will find the hearing will be reporting something some time earlier than next fall. I'm now working on having them report at the earliest possible date and I may be able to report to the hon. member further on my success in those endeavours.

Mr. Blundy: I do not understand whether the minister is suggesting an interim report when he refers to an earlier report than the final report. I would like to ask him, because of the known problem and because of the recent death and the possibility of others, would it not be right to have an interim report on this particular aspect?

Hon. Mr. Grossman: To the best of my information, I think they only have half a dozen or a dozen hearing days left before they sit down to write their report. So while the commission is well on its way towards the stage at which they'll be writing their report, hearings will be finished by the end of this year—by the end of this month—and then they'll be sitting down to write the report. Hence my suggestion to Dr. Wilson that the writing of the report be undertaken and completed at the earliest possible time.

Mr. Kerrio: A supplementary, Mr. Speaker.

Mr. Speaker: We've had five questions on this already.

Mr. Kerrio: We've only had one supplementary on this question.

Mr. Speaker: The two were related—the question by the member for Sarnia and the question by the member for Scarborough-Ellesmere.

Mr. Kerrio: We have to ban aluminum wiring while this is going on to make some sense out of this deal.

Mr. Speaker: The hon. minister has the answer to a question asked previously.

Hon. Mr. Grossman: Yes, Mr. Speaker, it was a question asked by the member for Sudbury East of the Premier. If it would be satisfactory to him, perhaps I could respond to that question. Would that be all right?

Mr. Martel: Yes.

ROSS SHOULDICE

Hon. Mr. Grossman: The member for Sudbury East asked the Premier on Tues-

day what I and my ministry were going to do with respect to Ross Shouldice who, according to the member for Sudbury East, is now operating again without a real estate licence in the Sudbury area. He also wanted to know whether we would reconvene the Horowitz inquiry into the conduct, both past and present, of Mr. Shouldice.

As the members are aware, Mr. Shouldice was the subject of an extensive investigation by the Ministry of Consumer and Commercial Relations some years ago. The investigation culminated in a proposal by the registrar under the Real Estate and Business Brokers Act to revoke his registration as a real estate broker.

Mr. Shouldice requested a hearing before the Commercial Registration Appeal Tribunal, of which J. C. Horowitz is the chairman. However, Mr. Shouldice subsequently withdrew his request for the hearing and, in view of a divisional court ruling in a similar case, this left the tribunal with no status to proceed. No new application for registration under the Act has been received since that time from Mr. Shouldice.

Dealing with the first part of the question, in a letter which the member for Sudbury East sent to the Premier on October 13, the member asked the same questions. We investigated to determine whether Mr. Shouldice is acting as an unlicensed real estate broker. Our investigation indicates that Mr. Shouldice is active on the business scene, but so far there are no indications that he has contravened the Real Estate and Business Brokers Act.

I have, however, asked the Housing and Urban Development Association of Canada and the home warranty plan to review the registration and activities of Conservative Construction Company, also referred to. I would invite the hon. member or anyone else who has some concrete information which may further assist us to step forward and provide us with those details so that we can continue to look into the matter.

Mr. Martel: I have a very brief supplementary. Is the minister not aware that Ross Shouldice does the negotiations for the sale of real estate and simply has his brother Bev sign the agreement of the sale and uses that vehicle for transacting his business?

Hon. Mr. Grossman: As the member will be aware, an employee of a company, or a principal of a company in fact, may operate in that fashion—that is, in the sale of real estate—without a licence.

Mr. Deans: What's the point of having the whole proceeding then?

[11:00]

Hon. Mr. Grossman: The question is whether he is acting as an independent agent or a broker not related to the vendor company, in which case he would require a licence. But if he is operating as an employee of the building company then he, like anyone else acting for any building construction company, can, as an employee, operate in the sale end of the transaction.

Mr. Martel: You have no control over them, then?

Hon. Mr. Grossman: The member quite properly asks the question as to whether we have any control over it. The control over it, I suppose, would be through the registered company, the builder, which is selling—

Mr. Martel: It is his brother.

Hon. Mr. Grossman: Yes, it would be the brother if the member's information is correct. It would be through the company that is registered, and hiring Mr. Shouldice or whom ever as an employee to assist in sales. The practice of employing in-house people to sell property is very common. In fact, builders don't like to build subdivisions and then pay a five per cent commission to independent brokers on every sale. So the common practice is to use employees.

Because of the concerns raised by the member, and our concerns, we are looking at the activities of the registered company involved. That is why we are going at it through that vehicle, to see what the details of the registration are, what information has been disclosed, and how the registered builder has operated.

CLIMATE STUDY

Ms. Bryden: I have a question of the Provincial Secretary for Resources Development. In his briefing material for his estimates issued this week, the provincial secretary tells us that his secretariat is engaged in a research project to examine the economic and social impact of the extremes in climate on a few selected parts of Ontario; and it plans to devise a number of scenarios for study.

I would like to ask the provincial secretary, has he included the current Toronto weather scenario in his study? But, more seriously, how can he justify spending money on this kind of research when we apparently don't have enough money to increase day-care places or to look after children with learning disabilities?

Hon. Mr. Brunelle: I have difficulty understanding the member's question; there's a bit of noise going on. Did she refer to scenarios about the weather?

Ms. Bryden: Page 8 of the minister's briefing book says: "The secretariat is currently co-ordinating a study group to devise a number of scenarios which will attempt to show the economic and social impact of extremes in climate on a few selected parts of Ontario."

Hon. Mr. Brunelle: Was the question, would we include Toronto?

Ms. Bryden: My main question—the Toronto one was perhaps a facetious one; we do have a scenario in Toronto right now. My main question is, how can the minister justify spending money on this kind of research when we don't appear to have enough money to increase day-care places or look after children with learning disabilities?

Hon. Mr. Brunelle: We think it is of some importance. The work is being done by an interministerial task force, and we think this is an important part of our work. I would be pleased to send more information to the member on the work being done by the task force.

Ms. Bryden: Supplementary: Could the minister indicate how much money is being spent on this project?

Hon. Mr. Brunelle: To my knowledge, none so far.

MILITIA OPERATION

Mrs. Campbell: My question is to the Solicitor General: Now that the militia has slapped the wrists of those youthful, high-spirited militiamen who allegedly pointed weapons at women, could the Solicitor General tell me what the police in this city are doing to investigate that incident?

Hon. Mr. MacBeth: We are aware of it. The police did do some investigation. It was a militia operation. The militia did carry out an investigation, and it has been reported upon. I think there was concern about the youth of the people involved. They were under some colour of right—at least they thought they were—in carrying out this operation.

There is no question they should not have done what they did. I am not trying to defend them in any way. At the same time, as far as criminal action against these young people is concerned, I don't think we want to do anything that would leave these people with any kind of a criminal record. They've been reprimanded, as I understand it, by the

military authorities. Their officer in charge was reprimanded. To take criminal action against them at this time would not be warranted.

Mr. Samis: Whitewash.

Mrs. Campbell: Are we then to take it that undisciplined young people in uniform now have carte blanche to go out and terrorize people in this community? Is that the minister's position?

Hon. Mr. MacBeth: Absolutely no. There was no suggestion in my reply that this was the case. That's a ridiculous question and the answer is certainly no.

PIPE PRODUCTION

Mr. Swart: I have a question for the Minister of Industry and Tourism, if I could have his attention. Since Monday I have had the opportunity to look at the statement which he tabled. Though I welcome the final total capitulation of the minister in admitting that we do have the capacity and the technology to produce the pipe for the Alaska pipeline in Canada, the basic question is left unanswered by that statement.

May I put it to the minister in specific terms? What specific measures is the minister insisting be included in the terms and conditions of the United States-Canada agreement now being negotiated to guarantee the use of Canadian pipe, compressors and other equipment in the Alaska pipeline?

Hon. Mr. Bennett: I think if the member has really read over the statement, he would see on page 3 that the specifications for the pipeline, the size of pipe, the compressors and other valves and so on that will be used in the construction will ultimately be the decision of the National Energy Board of Canada. We have made our position very clear, as have the president and chairman of Stelco and the president of Foothills Pipe Lines (Yukon) Limited, to the National Energy Board through the Minister of Energy and the Minister of Industry, Trade and Commerce of Canada.

I am not sure we can go a great deal further, other than having made our position clear and having indicated the capabilities of the province of Ontario and its industry in all aspects of the pipeline. The National Energy Board is aware of it. We hope they will, within a realistic period of time—and that's within the next year—come out with the full specifications that will afford Canadians—rather than being parochial—the op-

portunity to bid on the various components of this pipeline.

Mr. Swart: Supplementary: Isn't there something more involved in this than just the opportunity of bidding? Would the minister not agree that the present agreement gives no guarantee whatsoever—even no priority—for the use of Canadian pipe? Secondly, is it not true that a bill will be introduced into the federal House before Christmas relating to the pipeline? So doesn't the minister think now is the critical time for him to make representation and propose specific clauses in that bill to assure the use of Canadian pipe?

Hon. Mr. Bennett: I have mentioned in this House on more than one occasion, and I have mentioned in the estimates of my ministry to this very member and to other members of his party and of the Liberal Party, that we have indicated as a ministry, through the deputy minister and through various specific areas of the ministry, to the federal department which has an input to the National Energy Board, which has an input to whatever conditions will be included in some of the terms of reference to the contract, exactly what the capabilities are in this province in producing it.

The Prime Minister of this country, the minister at the federal level and others have very carefully and precisely explained that there is not the opportunity of writing into the contract that exclusive use will be made of Canadian products. They have said clearly and distinctly, both from a government point of view and from the point of view of Foothills Pipe Lines (Yukon) Limited—and the Stelco president, I might say, has indicated this—that they believe Canadians can be competitive with anybody that will quote on this contract.

We have put our position as Canadians and as Ontarians very clearly to the federal government. I believe the competence and the capabilities of the Canadians and the Ontarians to compete on the contract stands there without having specific terms, which are not possible to put into a contract, entered into the contract.

Mr. Kerrio: Supplementary: The minister has made the point very clearly that we can and will be very competitive. I would ask him one question that I think is very important.

In view of the fact that there are many companies with the capability of producing the pipe worldwide—Japanese, German, Italian—that are without work and much interested in this line, and since they may well get sup-

plementary funds from their governments to bring it to our shores, would the minister see to it that we are kept in a very competitive position and that we will not be bidding against foreign producers who have been helped by their governments to bring their pipe to Canada?

Hon. Mr. Bennett: First of all, I cannot say that we will not be bidding against foreign pipe suppliers; that will come in due course. To assure the member and the House, both this government and the government in Ottawa will keep a very close eye on what is happening in relationship to pricing and special treatments which may be afforded companies of various countries in bidding on this contract.

We will keep a very close eye on how it relates to existing world tariff agreements, so there is not a subsidization, a non-tariff position, or grant of capital being given to a company that affords them an opportunity to dump, in a sense, pipe made by companies in other countries of the world on the Canadian market. We will keep a very close eye on it.

We have a rough idea, both federally and provincially—through Stelco and others—of what it costs to produce pipe in this country and in other areas of the world. Those prices will be kept very closely under observation as the tenders are brought forward.

Mr. Deans: What possible good will that do? It will have happened by then.

Hon. Mr. Bennett: It won't happen.

Mr. Makarchuk: Supplementary: Now that the minister has explained to the senior government his views on the pipe, can he explain why he hasn't discussed compressors and compressor components? Second, now that it has been brought to the minister's attention, would he assure us that he will also express our views on producing compressors and compressor components to the senior levels of government?

Hon. Mr. Bennett: Mr. Speaker, I am not sure whether the members in that party happen to be listening—

Mr. Ruston: They don't listen.

Mr. Swart: They don't hear anything.

Hon. Mr. Bennett: That's right, they don't. I said earlier today, and at the time the member attended my estimates session, that we weren't only looking at the pipe supply of this contract, which is large and very important to the economy of Ontario and Canada. I answered—I think to the member for Welland-Thorold—that we were also looking at and making representation on component parts of the pipeline installation in Canada.

That includes compressors, valves, welding and all the other things that go to make a fine and effective pipeline.

I say very carefully and clearly to the House: While the pipe is the principal item, there are a great number of other components that we have been discussing with federal representatives and other people in relation to our capacity to produce for that pipeline.

Mr. Swart: Another short supplementary: Is it not true that President Carter has placed a tariff, based on a trigger price, on the importation of steel into the United States? Would this not be one of the options we should be considering here in Canada with regard to the pipeline? Would the minister make some such proposal to Mr. Horner?

Hon. Mr. Bennett: Without trying to get deeply into what Mr. Carter and the US government have done relating to steel, I think his remarks and his restrictions relate to some very specific flat steel being supplied to the American market by foreign companies.

Mr. Swart: It is pipe steel we are concerned about here.

Hon. Mr. Bennett: As to whether we could implement the same type of action on the pipeline without infringing upon tariff arrangements, that is something we can look at. I wouldn't be sure of it at this moment.

FISHING LICENCES

Mr. Reid: Mr. Speaker, I have a question of the minister of natural disasters. Now that the minister has floated his balloons about imposing another tax on the people of Ontario—to wit, a fishing licence—can he tell us whether in the spring he is going to impose a fishing licence on the people of Ontario and still do nothing about the fishing?

Mr. Nixon: It depends on whether there is going to be an election or not.

Hon. F. S. Miller: One of my primary natural disasters appears this morning to be speaking more through his nose than usual. I think the member has a little infection somewhere in the upper respiratory tract.

An hon. member: He's been eating too many fish.

An hon. member: You're no longer the Minister of Health.

[11:15]

Mr. Speaker: What about an answer to the question that dealt specifically with fish and fishing licences?

Hon. F. S. Miller: He is a bit of a hypochondriac, Mr. Speaker. You have to help him any time you can.

With the co-operation of the federal government, we have been looking at the problems of both commercial and sport fishing in Ontario for some years.

Mr. Kerrio: "With the co-operation of the federal government?" You haven't been talking to the Premier.

Hon. F. S. Miller: Through that, we have had a proposal called the strategic plan for Ontario fisheries. My staff has been going around the province for several months showing this to interested groups, anglers and hunters and so on. It is the result of years of work and volumes of material. One of the suggestions was a four-point program under which there would have to be some kind of revenue for an improvement in the fishery management system. In their opinion, this revenue most likely could come from the user-pays principle.

It is interesting that those trial balloons the member talks about received very favourable comment from people like NOTOA and from most press people, provided any moneys were used to improve fishing.

One of these days, shortly, I will announce my decision, because my staff has finished this week and come to me and said: "We are now ready to present this to you, Mr. Minister, and have you make your mind up as to whether it should proceed further to cabinet." I am in the process of making a decision as to whether to make that recommendation, and because of cabinet secrecy, until such time as I have done so I am not prepared to say what I am going to do.

Mr. Speaker: The time for oral questions has expired.

Hon. Mr. Welch: Mr. Speaker, I wonder if you might allow me to use this point in the proceedings, while we have most of the members here, to make an amendment to the order of business for next week which I announced yesterday. Would you allow that?

Mr. Speaker: Is it agreed?

Agreed.

BUSINESS OF THE HOUSE

Hon. Mr. Welch: Under the provision of rules, we announce the order of business for the next week on Thursdays. I just wanted to make known a change that has been arranged. The estimates of the Ministry of Consumer and Commercial Relations apparently will be finished in committee of supply on Monday afternoon at 6 o'clock. Therefore, at 8 o'clock on Monday evening we will be able to devote some time to legislation. I wanted to serve that notice

now, that we will have some time Monday evening. We will start with Bill 98, the Municipal Elections Act, hopefully to complete it on Monday night next. Then, if time remains after that bill is completed, we will turn to Bills 112, 113 and 114 standing in the name of the Solicitor General (Mr. MacBeth) as time will allow and, if there were still time, to Bill 115, the amendment to the Condominium Act standing in the name of the Minister of Consumer and Commercial Relations (Mr. Grossman). In fairness I thought we should indicate that change.

[Later]

Hon. Mr. Welch: Mr. Speaker, there is one correction with that order of business. The bills that will be proceeded with by the Solicitor General are Bills 112 and 113. Bill 114 is only on the order paper for information. We are not calling it for second reading on Monday.

BURNING PCBs

Ms. Bryden: On a point of order, Mr. Speaker, concerning what appears to be incorrect or unclear information which the Minister of the Environment gave to the resources development committee this week.

On December 7 in the resources development committee, when the estimates of the Ministry of the Environment were being considered, I asked the minister if the certificate of approval for burning PCBs at the St. Lawrence Cement Company in Mississauga had been withdrawn or was still in effect. He replied, "No, it is not in effect." This morning I read in the *Globe and Mail* that, in fact, it has not been withdrawn and there appear to be some legal difficulties in cancelling it.

I think the resources development committee has been given unclear information on whether this order is still in effect legally or not. I would request an explanation from the minister on this matter.

Mr. Lewis: Do you want to speak to the point of order? Defend yourself?

Hon. Mr. Kerr: Yes. Of course, the story this morning, particularly the headline, is a distortion. Certainly to the question of whether or not something is withdrawn, if one uses its literal meaning—in other words, have I in my hand or has the ministry in its possession the actual certificate?—the answer is no.

But what I said in the estimates is, as the hon. member has said, that the certificate is not in effect. In other words, the company does not have the right to burn PCB-con-

taminated material at this point. As I have indicated over and over again, there has not been any burning of PCB-contaminated material since last April.

If the member wants to use the literal meaning of the word "withdrawn" then she is right. It hasn't been withdrawn, but it certainly has been cancelled and, as the story indicates, there are two or three ways in which we can formally withdraw that particular certificate, which we intend to do.

As a matter of fact, we still expect the certificate will be voluntarily surrendered by the company. It is a matter of getting it in the mail. But if there is any problem with that, we can issue a condition, or an order, or a direction, to the company indicating that as of a certain date, that certificate no longer is in effect. So there is no problem, there is no confusion nor is there any—

Mr. Lewis: Oh, yes.

Hon. Mr. Kerr: —error or confliction in what I have said.

Mr. Lewis: You are guilty of a clear case of acute imprecision.

Mr. Kennedy: Mr. Speaker, on the point of order, could I have a word, please? I, too, saw the article in the *Globe and Mail* and the fact is that, certificate or no certificate—I spoke to the manager, and the minister has confirmed it—certificate, licence, whatever, there is no burning of PCBs going on at that plant nor will there be. The manager told us this and in this respect the article does imply it is taking place, because it says a number of other options are open to stop the burning of waste oils containing PCBs. The fact is, they are not being burned.

REPORTS

STANDING RESOURCES DEVELOPMENT COMMITTEE

Mr. Havrot from the standing resources development committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bills without amendment:

Bill 102, An Act to amend the Farm Products Marketing Act.

Bill 103, An Act to amend the Milk Act.

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolution:

Resolved: That supply in the following amount and to defray the expenses of the

Resources Development policy secretariat be granted to Her Majesty for the fiscal year ending March 31, 1978:

Resources Development
policy program \$3,126,000.

ORDERS OF THE DAY

THIRD READINGS

The following bills were given third reading on motion:

Bill 102, An Act to amend the Farm Products Marketing Act.

Bill 103, An Act to amend the Milk Act.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following ministries were concurred in by the House:

Ministry of Health;
Ministry of Agriculture and Food;
Office of the Ombudsman;
Office of the Ombudsman (supplementary);
Office of the Assembly (supplementary);
Ministry of the Environment;
Ministry of the Environment (supplementary);
Ministry of Culture and Recreation;
Ministry of Culture and Recreation (supplementary);
Provincial Secretariat for Resources Development.

COUNTY OF PETERBOROUGH ACT

Mr. Hodgson, on behalf of Mr. Turner, moved second reading of Bill Pr4, An Act respecting the County of Peterborough.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF LONDON ACT

Mr. Rowe, on behalf of Mr. Walker, moved second reading of Bill Pr10, An Act respecting the City of London.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF WINDSOR ACT

Mr. B. Newman moved second reading of Bill Pr11, An Act respecting the City of Windsor.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF TORONTO ACT

Mr. Rowe, on behalf of Mr. Rotenberg, moved second reading of Bill Pr18, An Act respecting the City of Toronto.

Motion agreed to.

Third reading also agreed to on motion.

TOWNSHIP OF GEORGINA ACT

Mr. Hodgson moved second reading of Bill Pr20, An Act respecting the Township of Georgina.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF WINDSOR ACT

Mr. B. Newman moved second reading of Bill Pr27, An Act respecting the City of Windsor.

Motion agreed to.

Third reading also agreed to on motion.

[11:30]

House in committee of supply.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS (continued)

On vote 1402, commercial standards program; item 4, Motor Vehicle Accident Claims Fund:

Mr. B. Newman: Mr. Chairman, I wanted to ask of the minister what the disposition of the case of Mr. George Jenkins was? He was the individual who in 1957 was involved in a motor vehicle accident. He assumed the insurance covered everything. He was a student at Assumption High School at the time in 1957. He joined the US military services, came back into Ontario, and then just recently had his licence lifted by the local police and was assessed charges of approximately \$1,300.

Hon. Mr. Grossman: I know the member won't be surprised to know that I don't have the details of the ultimate disposition just off-hand. That figure sounds horrendous but I do recall hearing that figure. I don't have the specifics of the case but I'll try to get that for the member for our continuation on Monday, although we won't be on this vote. I'll try to have something for him on Monday on that.

Mr. B. Newman: I appreciate that. Is there any way of avoiding a similar problem taking place in the future? Surely, after being originally convicted in 1957, to have his licence now lifted by the police 20 years later shows there's something wrong in the ministry as far as follow-up is concerned.

Hon. Mr. Grossman: There is something wrong with that happening. I'm not sure it's in the ministry but I'll report to you. That shouldn't be happening and I'll find out why.

Item 4 agreed to.

On item 5, companies:

Mr. Davison: Mr. Chairman, I'm concerned about the registrar of partnerships requiring certified cheques for registration. Two cases have come to my attention that have shown this practice to be causing some problems. I would like to read you two short paragraphs from a letter by a citizen of the province which explains fairly well the frustration he faced after having sent his cheque, which had been good for 25 years in the community he lived in and with people in the province that he worked with. He was engaged in a series of letters back and forth between himself and that part of your ministry. Finally, he was so frustrated that he penned lines as follows:

"I must say that your stupidity, red tape and petty nitpicking certainly leaves much to be desired. However, when dealing with the government I guess one should know by now that this is what is to be expected. It makes one wonder if it pays a person to try to do the right thing when they get hassles like this.

"In closing, please be advised that you have cost the taxpayers of this province \$10, as I have no intention of continuing with this hassle of registering my business, for I shall just carry on without the registration."

I don't know how prevalent that frustration is. I suspect it's not something we find with every person who tries to register; but why the insistence on a certified cheque? Is that really necessary?

Hon. Mr. Grossman: No doubt it is more efficient than spending money on chasing down NSF cheques which would pop up from time to time. Ultimately, we would have to make the decision as to whether we were going to spend a lot of money chasing NSF cheques, or whether we were going to do without the money when the odd cheque bounces on us. That's the answer, I think. It's a responsible fiscal position for the government to take and it's not unusual in the case of a lot of government registrations and filings. It is highly unusual in the sense of ordinary demands made in commercial transactions between lawyers, law firms and real estate closings and so on.

Mr. Davison: All right, we won't get into a discussion about the value of lawyers, government and so forth. I'm afraid we've engaged in that before.

Hon. Mr. Grossman: Better not.

Mr. Davison: But it's not as if we're selling a product where the guy has the goods and we have to track him down. It's simply a case of not allowing the registration to go

through until the cheque has been cashed. Or you can take away the registration. This citizen is very frustrated about it and it strikes me as a rather unnecessary kind of frustration that he has gone through. All these long letters, after his credit has been good for 25 years, to find out that he has to have a certified cheque. I don't know how many people it disturbed, but it disturbed him. If this is one citizen who is holding back \$10, I don't know how many there are. I thank you, though, for your answer.

Are you concerned about the subject of lawyers—the current mood in the legal community towards the incorporation of lawyers? What do you think about it, as the minister? Do you have any comments you would like to make at this time about proposals from certain people in the legal community?

Hon. Mr. Grossman: As the minister I can only say that if a decision was taken—I think it was a federal income tax decision—then as the minister responsible here, we process those applications for incorporation as we process all the others. As a lawyer, rather than as the minister, I may have a lot more to say, but I know you are not interested in that today.

Mr. Davison: Is the extent of your interest as the minister just the technicalities involved?

Hon. Mr. Grossman: That's my authority.

Mr. Davison: Just two other questions on the companies branch: I have had some cases that I had to go to the companies branch with. It strikes me as a rather lengthy process for little feedback. The extent of the action that seems to be taken is that we can cut off their registration. Two companies my constituents have had problems with are a company by the name of Treasurettes and another company by the name of Steel City Wreckers.

We have been working on the first case since June, and we are now into the latter part of the year. The extent of our progress is, we have been able to get the ministry to hold a hearing, because the company officials have disappeared along with the company and along with all the money from the people they took money from. So far we have the willingness on the part of the ministry to hold a hearing into the matter of the registration, which I realize is the procedure in the Act. It is not going to result in any great benefit to my constituents though.

It would be more helpful to my constituents if we could have a more active process in the ministry. I realize you are not

a group of private detectives or police officers, but would it be possible, with some modest changes in direction, to make the branch a bit more meaningful in the service it can provide to people who have been defrauded by fly-by-night corporations who quickly disappear?

The Treasurettes case has been a very long process. At the end of the tunnel there is not much benefit your ministry can provide to my constituents.

The case of Steel City Wreckers which is another fly-by-night corporation in Hamilton is a case of a demolition company that didn't pay its employees. Because of the regulations you operate under, they didn't even have to be licensed by anybody, which enabled them to operate as they wished, without any control from your ministry or the local municipalities. If you could address yourself to the question of companies or operations that seem to get along without accountability to your ministry, what would you do in terms of changing—modestly—some directions in this particular part of your ministry, to provide a more active pursuit of fly-by-night companies?

Hon. Mr. Grossman: In the pursuit of fly-by-night companies—whether registered as limited companies or as a partnership, sole proprietorship, or indeed, unregistered, or as an individual—there is no difference. It doesn't vary over that spectrum. Those people who are ripping off, cheating, fly-by-nighters, I hope are caught under the business practices legislation we have—the Business Practices Act and so on. It matters not, of course, whether it's a limited company or not.

Under this particular vote, therefore, the activity of the corporations branch, the companies branch of my ministry, is not that sort of activity. It's not a policing activity to stop fraudulent activities as they are occurring over the counter, or from door to door in the marketplace. The marketplace's control and protection is in the business practices branch of the ministry.

The actions taken by the companies branch provide that the companies branch shall hold those hearings and cancel certificates of incorporation for things such as failure to file annual returns, or failure to file the requisite notices under the corporations information branch. In other words, the cancellations and hearings involve failures of the incorporated companies to supply the ministry with the type of information they must supply to the ministry, so there will be information on hand for the benefit of persons who come to the ministry seeking, quite properly, the cor-

porate information that they are entitled to under the Act.

Where companies are failing to make disclosures, as required under our legislation for the benefit of consumers, then the companies branch will move against those companies. Where they are carrying on unfair business practices, then the business practices division of my ministry will go after those limited companies.

Mr. Davison: I understand that. It's not so much the fact that they were carrying on unfair business practices, as the fact that, in the middle of the night, they disappear; nobody can find them. The extent of your ministry's capacity seems to be only to decertify them, which just doesn't help my constituents who get involved with these companies.

I didn't receive any great amount of help from the business practices people, which seems to indicate there is nothing you can do within your ministry to change that process, so the person, I take it, then has to seek action or recourse outside of your ministry?

Hon. Mr. Grossman: If the member has any constructive suggestions as to what the companies branch or the business practices branch might do to make sure that companies don't fold up and disappear in the middle of the night, or in fact to make sure individuals who are not incorporated don't disappear overnight to Brazil or wherever, in order to abscond with the money, then I'd be more than happy to hear it. It's no different from a lot of other legislation. There are indeed criminal laws in the Criminal Code against rape, murder and bank robbery. We haven't yet found a system whereby we can make sure that people still don't commit those crimes.

I'd be more than happy to hear any suggestions you might have which will stop people—whether they've paid with an NSF cheque or a certified cheque or are incorporated or unincorporated—from folding up in the middle of the night and disappearing.

Mr. Davison: Before we move on, there are areas in your ministry where efforts have been made—in the travel industry, for instance—to assure some kind of continuity, some kind of protection. Has the minister thought of extending that kind of concept to other fields, such as fly-by-night companies?

Hon. Mr. Grossman: I think—and I hope the member will agree—that the appropriate way to approach that is on an industry basis, rather than say, for example, that all incorporated companies shall pay into a fund

from which members of the public who have been ripped off by any one of those companies—and there are, by the way, 220,000 in Ontario—would be compensated.

[11:45]

What you would really be advocating—and you may want to make the argument here and in other places—is that there should be a general compensation fund, not only for limited companies, but for people who are sole proprietors and people who are carrying on business without any form of registration, as they are entitled to, and that everyone in the province should pay into a fund either through tax dollars or directly for the right to do business, if you wanted to argue that. There would be a huge compensation to refund people out there and we would then set up perhaps an extension of the New Zealand injury compensation scheme.

There is no place in the world that has such an all-embracing fund to compensate consumers. What we think is a preferable approach is to look at it on an industry basis and see what industries from their track record are apparently prone to that sort of behaviour, because it is easy to effect the collection of money up front because of the nature of the business, and to see also where there is no existing compensation fund or any insurance backup or any mechanism whereby restitution becomes meaningful.

The travel industry is a pretty good example where it is easy to go into the business. One doesn't necessarily have an amount of expertise involved. Money must be paid up front to make the necessary arrangements, reservations and so on. It's an area which is susceptible to that sort of activity and also where it is difficult to effect restitution where they leave. Where we identify industries—and you may have some suggestions—where that activity would warrant a compensation fund, then we would investigate those. Indeed we have implemented a few of those over the years. I think that's a preferable way to approach it.

Mr. Davison: Perhaps over the next period of months I will suggest some areas where you could move like that. Does the minister have any areas he has found to be problem areas in the business world, where he is thinking of getting involved in this kind of situation?

Hon. Mr. Grossman: There are some that are continuing causes of concern. Whether they are areas in which a compensation fund is the appropriate remedy or not, I would question. There is no disputing the fact, for example, that dance studios would give us some problem. It's a recurring problem sus-

ceptible to bait-and-switch tactics and a recurring pattern of that. We are continually moving into those areas. It is safe to say I am looking at the general pattern in dance studios. There are some others you may wish to refer to me.

The real estate business is obviously a situation where substantial deposits are paid and held in trust accounts, but where someone, as the member for Hamilton Centre says, is perhaps going to fold up and disappear in the middle of the night. We perhaps would want something to protect the prospective home owner who has laid up money into a fund, money that may have been saved up over a period of years to help towards the purchase of a home, when suddenly the money has disappeared. If it has disappeared it has probably disappeared out of the country and it is probably a substantial amount of money. There is an area where we are looking at a compensation fund as well.

There are probably some other examples I could get you out of our files. In any event, if you want to discuss it further under the business practices vote of the ministry, that might be appropriate. If you have any suggestions over the months, please let us know.

Mr. Blundy: In talking about this particular area of the ministry, I would like to draw to the minister's attention, and hopefully to his concern, the great proliferation of home improvement companies that seem to be arising throughout all our municipalities. It seems to me many people who haven't any other jobs, band together and have home improvement companies. I am thinking about people such as siding contractors, who are dealing with a home owner who is really not very knowledgeable about the subject. Currently, one of the greatest matters is the installation of insulation in older homes and so forth. The average home owner knows nothing about how it is or should be done, or what is a good or bad job. All he wants is the hoped-for effect.

Among paving contractors there are little companies, often what you call "fly-by-night," who come into municipalities and take advantage of the expected ignorance of home owners. I have personally had a number of complaints about groups who are really preying on the home owner to do home improvements. Then, after they have flown the coop, there is evidence the work they did was inadequate, and when it came to the matter of insulation in older homes, in some cases even wrong. Has the minister anything to say about that? Is there something to which I could

refer these people? Is there something the minister plans to do in this matter?

Mr. Chairman: I wonder if the minister could delay the answer until the proper vote, the next item?

Mr. Ziemba: Just one question, Mr. Chairman: Has the companies division changed its policy with regard to the files of incorporated companies? Is it now the policy that files only go back five years rather than, as previously—whatever it was, 20, or almost indefinitely—since companies were first incorporated?

Hon. Mr. Grossman: I am informed the annual returns are kept. Of course they don't file returns any more. But the ones that are there are destroyed after five years. So you would only now find them going back five years.

Mr. Ziemba: When was that decision made to destroy records after five years?

Hon. Mr. Grossman: It would be almost exactly one year ago.

Mr. Ziemba: Don't you think this runs counter to offering protection to consumers, to citizens of Ontario? Some people might suggest it was a coverup. Questionable operators are given a blanket amnesty if records are kept only for five years. I wonder if your ministry has ever heard of microfilm. What would be the reason for this decision?

Hon. Mr. Grossman: You may want to refer to the Corporations Information Act which requires that the information made available to the public is up to date with regard to the ownership of a company. It requires that companies only let us know with regard to their up-to-date information. Therefore, of course, we have gone away from the annual returns, for example.

As I say, it is an Act which is drawn up to allow you to know what the current status of a company is. If there is an argument to be made for amending the Act that was passed in this Assembly in 1976, then I would be pleased to hear that argument.

Mr. B. Newman: I wanted to ask the minister if pyramidal sales operations are under control in the province. The minister may recall that not too many years ago it was the "in" thing.

Mr. Chairman: This, I believe, would come under item 6.

Mr. B. Newman: All right.

Item 5 agreed to.

On item 6, business practices:

Mr. Blundy: I believe the minister will understand the intent of the questions I asked earlier and I would be very happy to hear his views now.

Hon. Mr. Grossman: Yes, the problem is of increasing concern to us. It is admittedly a difficult one because there are people who go throughout the province dealing with home improvements. Some people may decide to go into the business tomorrow morning simply because, for example, they have been laid off at a construction job or whatever. These people describe themselves as home improvement people but they are not registered anywhere. They simply go out door to door.

We try a bit of preventive medicine—a lot of preventive medicine. The member will remember, for example, the matter of home insulation. The ministry dealt with that a few weeks ago when it became apparent the federal government was determined to proceed with its energy bonus program. It was a program we were concerned about because it was announced rather late in the year and it obviously would encourage a lot of people to get into home insulation who ordinarily would not have contemplated insulating their homes. That is what the program was designed to do and I am sure it is doing it.

As a result, of course, a lot of people decided they were suddenly home insulation experts and went into the business. Our records indicate there are something like five to six times the number of people that there were just 12 months ago saying they are in the business and willing to install insulation. It strains my imagination to believe all those people are experts whereas they weren't 12 months ago.

To try to grapple with the problem, we took a couple of steps. One of them was, the information release that we put out in very great numbers, and rather successfully, I might add. There were 30,000 distributed throughout the province; we did get a fair amount of media assistance and coverage on the matter.

It cautions consumers with regard to what they should be aware of. For example, one of the things we always talk about is the necessity of getting some details about the fellow or person who is at the door. You should ask, "Where else have you installed insulation? . . . Are you registered with any associations? . . . Does the Better Business Bureau know about you?"

If you are going to go ahead with it, get it all in writing. Make sure you don't pay very much up front, if anything at all. Find out when he is going to be back to make the installation. Make sure that the contract you enter into specifies the "R" factor, the quality of the insulation—not just the inches

involved, which are sometimes misleading. In any case, it's a very informative piece and has proved to be somewhat successful. As well, we've been running a substantial advertising campaign to deal specifically with insulation, not only by way of this brochure, but in newspapers, weeklies and so on.

[12:00]

Quite some time before I became minister, we were into the whole matter of home repair ripoff artists. Those are the exact words used in this sample advertisement which ran throughout the province above the name of my predecessor. It says, "Home owners beware of home repair ripoff artists. These are things you can do to protect yourself."

I won't take time to read all the advice we give consumers, but to let you know how extensively something like this is distributed, it appeared in something like 1.8 million copies of newspapers. So you'd have to believe that a very substantial number of consumers had the opportunity to be aware of some of these problems.

As well, under the Business Practices Act, there have been a fair number of prosecutions just recently. I have some details before me. November 30, 1977, the charge concerned the renovation of a home where the work being done was substandard and incomplete. The accused was Ronald Wood, Richmond Hill, Ontario; fined \$500 or two months in jail. October 3, 1977, P. A. Hope Construction, St. Catharines, convicted under the BPA, fined \$6,000 and ordered to make restitution in the amount of \$5,175. The charge concerned the building of a home for a consumer and the work performed was substandard.

November 4, 1977, Wayne Barnes, Hamilton, Ontario, was fined \$500 or 30 days on each of two charges under the BPA. The charges were laid to a driveway paving contract which was not performed and work completed was substandard. I think he's one of the member for Hamilton Centre's (Mr. Davison) supporters. Patrick Paulin, Windsor, Ontario—one of yours too—

Mr. B. Newman: That's why I asked you the question the other day.

Hon. Mr. Grossman: Do you know this fellow?

Mr. B. Newman: I don't know that one.

Hon. Mr. Grossman: Sure. May 1977, sentenced to three months consecutive on each of five charges under the BPA concerning several home repair contracts where money

was taken and the contract either was not performed or was inadequately performed.

I could go on. I see I have two more from Hamilton and one more from Windsor.

Mr. Blundy: Sarnia?

Hon. Mr. Grossman: Nothing from Sarnia, as could be expected; and very few from Toronto. No, there are several from Toronto, of course. In any case, there's a fairly extensive list of prosecutions that have been undertaken. So really we're into a fair amount of preventive medicine.

What I didn't mention to you on the insulation matter was that we have been encouraging the long-standing people in that business to set up a trade association. I'm told it has commenced operation. So there is a trade association, something we often counsel industries to develop. Now a home owner can say, "Are you a member of a trade association, or the trade association?"

A trade association has certain standards and can, of course, not permit people who have a bad record in insulation installation—list them, put them out and so on. That sort of trade association is very helpful and important and I might say it was with our ministry acting as a catalyst that it developed in the context of this year. We initiated that development.

I hope that's dealt in some measure with what we can and have done in the area. We'd be happy to hear and consider any suggestions you might have with regard to how we can get out on every street in the province to deal with what is admittedly a not-unheard-of practice in the home improvement field.

Mr. Williams: I'd like to spend a few moments with regard to the Travel Industry Act and I'd like to—

Mr. B. Newman: I would like to follow up on the home improvement problem rather than go into your item at this time—we'd get that out of the way.

Mr. Williams: Fine.

Mr. B. Newman: Yes, I had asked the minister, in the question period on November 24, about this same problem. The reason for it is, just as you had indicated, the fly-by-nighter or shoddy worker who comes into the community, or may even be a resident of that community, performs some type of service, or so-called service, and leaves a citizen with substandard or subpar work. As a result, he generally takes advantage of those who can least afford it.

The minister mentioned the newspaper ads and everything of that sort. They're commendable, however newspapers aren't as

effective as they think they are. They are so supersaturated with ads that we skim them unless we're interested in some specific items. As a result there has to be some other type of an approach. I can't suggest the approach, by any stretch of the imagination, because on any one that would be suggested there could be some improvements, but there have to be some suggestions from your ministry as to how home improvement contractors or individual workers can band together, form associations, and maybe even request bonding; as well as some protection through your ministry, say by listing them under itinerant salesmen or some such method, which as I said may provide some protection.

I know a group in my own community headed by Joe Greco, a very reputable businessman in the aluminum siding application business. He operates a very efficient business. He's attempted to get the home improvement groups in the community together. They suggest that all home improvement contractors be registered as itinerant sellers under the Consumer Protection Act and that there be a prohibition on operating from any place but a business office. Many of the fly-by-nighters operate from a home and they put down any address. How do you trace them? I don't know if these are the answers but these are suggestions that he made.

Possibly bonding would be effective; although the bonding procedure, in some instances, is substantially too small. If you bonded them at \$5,000 and they take a \$25,000 job and disappear, the bond isn't sufficient. There must be some preventive measures to protect the average individual from being ripped off, as your ad indicated, by ripoff artists.

Can you suggest something to them, Mr. Minister? Should the individuals in the business band together, form a good association and keep these fly-by-nighters and shoddy operators out of the business?

Hon. Mr. Grossman: There is no question that the development of a trade association would be a very desirable thing. We would not only encourage it but assist in every way possible; and I mean every way possible, through publicity, meetings, encouragement and any backup we can provide to the development of a trade association, especially in this field. We would be more than happy to provide it, there is no question about it. Any suggestions that the people in the industry may have with regard to the role we may play will be very well received by us.

Mr. B. Newman: Would you send someone from your ministry down to meet with the association if they so requested?

Hon. Mr. Grossman: Absolutely. We'd be happy to do that.

I might say, in dealing with this, I always have some hesitancy in suggesting to the public that registration is a be-all and end-all. It has very severe limitations and carries with it, of course, that very great concern that registration will appear to provide a government stamp of approval—as we discussed earlier—to someone who has met what in most cases must be a rather minimum standard for registration; because we can't really get involved, and I don't think you would want government to get involved, in value judgements with regard to whether a person is a good fellow or not.

In any case, I would be happy to discuss the concept of registration. Your question is really pointed towards the development of a trade association and I think you realize that would be a very important mechanism.

On the subject of registration with respect to itinerant selling, and bonding, the Consumer Protection Act would require that most home renovators register. They would qualify under the definition in the Act as itinerant sellers. This is perhaps what wasn't terribly clear when you asked a question in the House. I responded by trying to discuss the problems with the registration that is now in effect. The registration now in effect does call for registration and \$5,000 bonding. The problem is getting all those people out there filed and registered because of the sheer number of them.

We are currently on a push to get the people in this particular industry to register, that is to do what the Act requires them to do. Admitting the shortcomings of registration, we still think it would be helpful if they registered. They ought to be registering if the Act is in place. I wouldn't be terribly honest with you if I suggested that is going to make enormous strides in solving the problem. It would help somewhat.

Mr. B. Newman: At least, the person coming to the door and attempting to sell some home improvements would have some identification, having been registered with your ministry. It would scare some of them off, I think.

Hon. Mr. Grossman: The problem, as we have discussed, is that most of the people out there would end up being registered. That may, in fact, make it easier for the guy who wants to cheat and rip off the consumer to get in the door by saying:

"Of course I am all right. You don't have to call the trade association and you don't have to call the Better Business Bureau. Grossman says I'm okay. Here's his signature and here's the card." That presents some problems. What I am saying to you is that not one of these solutions is enough in itself. Frankly, we don't know whether an enormous drive to get them to register is going to be very effective at all in terms of what it would cost us to administer and what would happen on the streets. We do have that drive on because it would be better than nothing.

Mr. B. Newman: Would you consider a pilot project in the community?

Hon. Mr. Grossman: We will look into it. I'll discuss that with my staff. It might not be a bad idea. Have you got any particular communities in mind?

Mr. B. Newman: Naturally I'd prefer my own; but if you wish to go somewhere else go ahead.

Hon. Mr. Grossman: It would be cheaper than mine, I can tell you that.

Mr. B. Newman: Go ahead; that's quite all right.

Hon. Mr. Grossman: In any case, those are constructive suggestions and I very much appreciate them. We'll be developing those over time.

I should flag for you the fact that the Consumer Protection Act, which is the Act under which the itinerant sellers must now register, is undergoing very extensive review. Hopefully in the next 12 to 18 months we might have a comprehensive new Consumer Protection Act for the consideration of this Assembly, in which case we could implement at that time any of the suggestions we might receive. That is all under way. I hope you will take back the message to your local trade association that we will get something going.

Mr. B. Newman: I thank the member for Oriole for permitting me this intrusion; I appreciate it.

Mr. Deputy Chairman: The member for Oriole may continue.

Mr. Williams: I wanted to ask a few questions with regard to the Travel Industry Act, focusing basically on two areas. I want to make a determination as to exactly how successful the Act has been in accomplishing its purposes, which were to protect the travelling public that has relied upon the services of people in the travel industry who set up agencies and services for that purpose.

[12:15]

Obviously, it has had a much desired effect and has provided protections that prior to the legislation were non-existent. In recapping that success and pointing out any apparent weaknesses that may have evolved through administering the legislation, you could touch on one or two things specifically. How many licences, since the inception of the Act, have been suspended or revoked by the registrar?

While the legislation wasn't specifically designed and directed to this purpose, it was thought a desirable end result would be to curtail the tremendous proliferation of travel agencies. Built into that significant quantitative change was a tremendously varying qualitative factor. While many of the agencies had well-qualified people, educated to the industry in question, it has become fairly apparent that there have been those who have been somewhat short on the expertise and talent the travelling public would assume is vested in all of the travel agencies registered under the Travel Industry Act.

You have a varying degree of expertise in the industry, which is a problem the industry itself has to sort out. But it has become so extensive that it's a matter that may have been under discussion between ministry people and representatives within the industry. As a private sector industry I'm sure they would be the last to want unnecessary further government controls. Certainly there was a great hue and cry at the time the wheels were put in motion for the enactment of the Travel Industry Act. It was not well received in the industry, while it was applauded by the public.

Its benefits have been well demonstrated, but there may be weaknesses that have arisen. I would like you to address yourself to those, if they have in fact arisen, while touching on those specific questions I asked about the number of suspensions or revocations of registered agents.

Speaking again to the problem of the proliferation of agencies it's my understanding that the number has increased in excess of three-fold since the enactment of the legislation. If agencies have been setting up at that fast a clip, surely some of the concerns I have expressed must have substance. I have heard there is concern within the industry with regard to the varying degree of experience of employees of these agencies that have been set up to properly advise and deal with the travelling public.

In addition to the problem of the proliferation, or in conjunction with it, is the question of varying standards, which is one that must be addressed. As I have indicated, I would certainly prefer to see the industry police

itself, so to speak. But, the government may have to intervene if the public at large is put into jeopardy and doesn't have the assurance that moneys deposited or put down or turned over to an agent are protected, or that other features of the services are going to be delivered to those who are relying on them for guidance, accommodation and direction when they are travelling in other countries.

If there is any indication in the ministry that these standards are so variable as possibly, in your mind, to be creating concern about jeopardizing the travelling public in this fashion, then you might indicate whether you deem the time has come, perhaps reluctantly but nevertheless necessarily, to expand the terms of reference of the existing legislation to the establishment of guidelines in the nature of standards to which the people in the industry would comply. What has been happening in the industry and the relationship with your ministry would be of interest.

I understand too that the problems are further compounded by the fact that because of so many agencies becoming established so quickly there is no control over the rates or fees that are being charged. Indeed it has become fairly well-known in the industry that there is a great deal of discounting and that the problem is further complicated by the fact that some of the major carriers, the airlines and perhaps the shipping lines as well, are themselves getting into the industry to compete with the agents through whom they used to deal at one time themselves. While it is not our problem to sort out the problems of the industry, I think it is our problem if it is in any way going to create problems with the travelling public.

It is about that matter I express my concerns. I would hope this industry, like any other industry is mature enough to manage its own affairs, to conduct itself in a responsible fashion and to maintain a high standard of service to the public. These are the concerns I raise with you. I would appreciate your comments and observations with regard to them.

Hon. Mr. Grossman: I'll try to remember all those questions. I made notes on a lot of them. I will see how many we can answer. First, I should report to the House the industry is quite happy with the operation of the Act, as is the ministry. Second, we don't have any evidence of a proliferation of agents, of people registering under the program.

At the present time, I would report there are some 1,830 registrants. This figure includes agents, wholesalers and branch offices. Allowing for the fact some agents hold a dual registration, both as travel agent and whole-

saler, we have some 350 branch offices and our estimate is that we have approximately 1,350 different firms registered. Our estimate as to the number of agents in 1975 was between 1,100 to 1,200. It is up only around 10 per cent in two years. We are aware the criteria for registration needs to be re-examined. We have already held several informal meetings and are awaiting their submission of a paper covering some of these points.

We have made an examination of the ratios of population to agents. We have more agents per capita than any other province. The ratio varies, of course, from town to town, city to city, the greatest density being here in the large urban market. This would be offset by the fact there's a larger proportion of travellers in the major urban centres. As a rule of thumb, a travel counsellor should do about \$240,000 worth of business. There are about 2.5 counsellors per agency in Ontario, resulting in a computed volume per agency of \$600,000. The average agency volume of sales is \$585,000, close to the amount of business required for a solvent operation. While it is an average figure, it indicates a good balance.

In the last reporting year under the Act, July 1, 1976, to June 30, 1977, the gross volume of business was \$1,078,000,000. The value of validated claims against the fund was \$295,000 or approximately one quarter of one per cent of gross volume. That's pretty good.

The number of agents and wholesalers whose operations ceased was 46, of whom exactly half left claims against the fund to be adjudicated. This should be viewed against the registration figure given earlier of some 1,800.

There has been a reduction in the number of failures as a result of the legislation. The number of written complaints received and closed in 1975 was 106; in 1976 it was 276, and we estimate in 1977 it will be 350. The amount of redress effected as a result of our intervention between agents and customers was \$10,000 in 1975; in 1976 it was \$53,413, and we estimate it will be \$75,000 in 1977. That is a figure not to be confused with the \$295,000 figure earlier given for validated claims against the fund.

In 1975 there were 30 inspections, in 1976 there were 72, and in 1977 an estimated 100. These resulted in four prosecutions in 1976, and we estimate about 15 in 1977.

We have more figures, but I think that gives a fair cross-section of the performance of the Act—the number of failures which are, and more important which aren't, occurring;

and the number of registrants we have. We have traced the proliferation; it seems to be very little. We have also ascertained that the figures are in order in terms of the population being serviced by those agents. I hope that's covered most of the questions asked; I think it has.

Mr. Williams: Supplementary, if I might: At the time we were enacting our legislation the province of Quebec had implemented a similar type of bill. I'm not sure whether they were just before or just after us. In recent months the province of British Columbia has also enacted a bill which is comparable to ours, the Travel Agents Registration Act. I have had an opportunity, because of my interest in this matter, to look at the bills. Reviewing them in a cursory fashion, they appear to be essentially the same in that they address themselves primarily to the question of financial responsibility of travel agents, and their accountability in the way of establishment of trust funds and so forth.

[12:30]

But having said that, Mr. Minister, it has been suggested to me not too long ago, in conversation with a party who is involved in this industry, that the Quebec legislation has proved to be somewhat more helpful in controlling the number of entrants into the industry. From looking at the legislation, I can only conclude that it must be through some form of tighter regulatory procedures that they have under their particular Act. I haven't had an opportunity to study those regulations so I don't know. For that reason I pose the question to you as to whether you are aware of a tighter control being held on the industry to the benefit of the public at large in that province; or is this an exaggeration that has been conveyed to me without foundation in fact?

Hon. Mr. Grossman: Yes, we are aware of the Quebec experience, only we would not report it as glowingly or as being as successful as the member has been informed. We don't think in this province we want to be into a system where we have overly high entrance requirements into an industry so that we close it off, run a closed shop. We wouldn't want to restrict an industry to those who have the financial capability that we would deem, rather arbitrarily, sufficiently high to permit them to go into business.

In fact it is due to our very concern for the viability of small businesses that we have not chosen that approach at the present time. We think that small businessmen—for example, a husband and wife going into opera-

tion as a small travel agency—should not be hampered by overly high financial requirements, substantial bonding provisions or any of these regulations. We think these costly, and in many instances—certainly in the case of Quebec—unavailable procedures to get into the business would be inappropriate. In simple terms, we are not in the business of restraining trade or closing off access of small businessmen to an industry; and we are not about to do that.

What we do think is that our system works very well. It is one that was worked out with industry. The performance, I think, speaks for itself in terms of the information I have given the House. We are in the midst of negotiations and discussions with the industry regarding the necessity for higher financial requirements; all that within the context of our desire to not make them so high that it is in any way prohibitive for a small businessman.

We are not taking the approach of just having government swoop down and set an arbitrary figure; nor are we about to. An industry's members may have some desire to protect themselves and their own quarter of the industry. Certainly that is the experience you often face with professionals—the desire to close off the accessibility to their already-established clientele from new people. So we aren't about to turn that decision, either, over to industry. So we are discussing the thing together. Industry is, in fact, now conducting an independent survey. They are going to be reporting to us shortly after the new year.

I want to express the concern that we have with regard to requiring audited financial statements annually from small operators. Such statements would be very expensive, considering that audits today may run from \$700 upwards, depending on the size of the agency and the types of records they keep. So it causes us some concern, particularly in an era in which I am in a careful review of all parts of my ministry to make sure that we don't have unnecessary regulations and paperwork already in place.

I think that puts a better light on where we stand vis-à-vis the Quebec legislation, and our concern that the Quebec legislation has proven to be overly restrictive in terms of the number of people who can get into the business.

Mr. Williams: I would just like if I may, to clarify one point on that. Are you saying that the Quebec legislation, in your judgement, is overly restrictive because of the criteria it establishes as far as licensing is

concerned? Restricting it solely on financial requirements? Or do they also make requirements that the party seeking registration must have attained a certain level of training in the field, equivalent to what we might ask of the real estate brokers; to meet certain standards based on examination, either within their own industry or as prescribed by regulation?

I wasn't clear on that point. Do you consider the Quebec situation to be overly restrictive solely because of its higher financial requirements or because it goes into this other field; namely that they have to qualify based on experience in the field or meet certain prescribed examinations and qualify in that fashion?

Hon. Mr. Grossman: I'm rather hesitant to get into a critique of the Quebec Act versus ours. I don't want to go farther than to say that we think the scope of the Act and the approaches they use are indeed overly restrictive. It's a value judgement. Ours is that the approach they've taken is overly restrictive. I don't really want to criticize all the details of their Act.

They decided to take—I think they would probably acknowledge—a more restrictive approach than we've taken. We think our approach is healthier from the standpoint of permitting more people to go into the business and to survive, while obviously not affecting the amount of consumer protection available, because our records are pretty good and you see the amount of failures as rather low.

We just think that the scheme we've selected is better. Let me put it this way: it's working in our province and not inhibiting small businessmen who want to go into the business. Rather than get into a critique of whether ours is more or less restrictive, I think our approach has proven to be rather successful in our province.

Mr. Davison: Mr. Minister, if I might, could I offer you a positive suggestion on some changes in your legislation? The question of price stickers on cars is causing some concern around the province. When a car leaves the factory, it has on it a price sticker which includes the basic price of the automobile, a list of the options and the price of the options, shipping charges to the dealer, et cetera. In many cases, because it's not illegal, that sticker gets removed before the car goes on the showroom floor or on the lot at a particular car dealer.

I know people in the United States have been concerned because they've outlawed that practice and made it compulsory for the

dealer to leave the factory sticker on the car. The concern I would offer to you is that when a consumer goes to buy a car, he goes into an area of sales that is very high pressure, as we're all aware, for obvious reasons. That pressure comes through the human contact at the dealership. If the cars would have on them the stickers that are there when they leave the factory, the consumer could make a much more relaxed judgement as to the car he's looking at. This would be preferable to having to go in and sit down in an office with one of the salesmen, which is a much more high pressure kind of selling.

I'm wondering if it might be possible for you to make some kind of amendment to the Motor Vehicle Dealers Act in that regard. It's a rather simple amendment that would make it compulsory practice to leave that sticker on the car.

Hon. Mr. Grossman: First, the practice has not been made mandatory in any jurisdiction in Canada.

Second, I think we've got a larger principle to consider; and that is, obviously, should the wholesale price be left on any or all items? If the answer is yes, we should have it posted and listed on all items, the cost price or whatever, then how would the member define which items are high-pressure?

For example, should it be on aluminum siding? Should it be required to be disclosed at the door on encyclopaedias; or pots and pans? He may be able to make that argument. I would just refer him to the precedent. I suppose people could argue that in some instances car sales are less high pressure than some of the ones I've referred to.

So I would draw your attention to the principle involved, which is whether we're going to shift around the marketplace—I guess I'm speaking for this side of the House—shift around the marketplace in our free enterprise system, in that the cost price or wholesale price is not now shown on the ticket—whether it be tomatoes, or indeed even coffee or whatever item is the subject matter—as I say whatever the item, we would have to define high-pressure goods to determine whether the list price or the cost price is going to be put on the ticket.

It is a practice, not legislated but it is a practice, that many dealers do follow; for whatever reason they have. I certainly don't mean to discourage the practice. For those who do it, for whatever reason they see fit, that's great. It permits the consumer to have a better analysis of the ratios involved and,

I suppose, of what a car is intrinsically worth.

It's certainly not a practice we'd discourage; whether we should make it mandatory in this product or any product gives me rather large cause for concern.

Mr. Davison: I think an equally important principle is the right of the consumer to know what he's getting and what he has to pay for it. That's probably a great deal more significant than any concern about potential implications from doing it in this one particular case. I don't think we should shy away from providing consumers with the greatest amount of information we can.

In most of those dealerships where stickers are not left on they're either kept in a book somewhere in the showroom or they're available to the salesman if the consumer asks; the consumer can almost invariably get them.

What we're talking about, though, is that this practice is being used by some car dealers as a way of getting people to sit down with the salesman. In many cases we're talking about the high-pressure kind of sales in the car business.

I hope that most dealers leave those stickers on so they can help the consumer make a rational choice as to what car he or she is going to buy. I don't see what's stopping us, in this particular case, in this particular instance, from making an amendment that would make that practice compulsory right across the industry in terms of new car sales.

I don't see what the great difficulty is there. Surely that kind of information should be available to the consumer and it should be available right up front. He shouldn't have to go into the back room and sit down with the salesman to get that, we could surely avoid that. I don't see that it has any great implications for pots and pans, quite frankly.

Hon. Mr. Grossman: I'm sorry, the member's subsequent remarks just now indicate that he is talking about the retail list price; for example, options on a car that are often on stickers. Am I right?

Mr. Davison: Yes. The stickers include all of the price. You see them when you go in to buy a new car. They're eight and a half by 11 inches.

Hon. Mr. Grossman: I see. There is nothing that I would find wrong with requiring or urging dealers to disclose the number of items that are on the car the customer is seeing in the showroom. We would hope that most dealers are disclosing the list price of those items and not marking them up. I suppose the member's concern might be that they may be indicating the list price as

higher than it actually is so as to encourage a consumer to think that he is getting a bigger bargain than he is. If that's occurring it's probably an offence under the BPA, so that sort of an offence would disappear.

[12:45]

Where there can be substantial abuse in the absence of the stickers, I am not terribly sure, because the number of items a purchaser is buying obviously is disclosed in the contract. The list price of those may or may not be relevant, because they may become a matter of negotiation; the dealer may boost the price of the car or whatever, or deal with it in another fashion. In any case, the principle involved doesn't give me a great deal of trouble.

I would refer you to the Motor Vehicle Dealers Act and the regulations thereto; regulation 9871, paragraph 16: "Where a new motor vehicle is sold, the sales or purchase order shall show (a) the name and address of the purchaser; (b) the date of the sale; (c) the make of the vehicle; (d) the model year; (e) the manufacturer's serial number; (f) the body type; (g) the manufacturer's suggested retail price; (h) an itemized list of the manufacturer's suggested retail price of all extra equipment to be sold to the purchaser, or installed by the motor vehicle dealer according to the agreement made at the time of the sale." It goes on and on. There are about 16 or 17 items. They are enumerated.

I suppose what you are saying, then, is what we now require that the sales or purchase order shall be shown on the windshield. You are not asking, I don't think, for any more disclosure; you are asking that it be shown on the vehicle before it gets into the nuts and bolts of what colour car would you like. That's not a bad suggestion, and I am going to discuss it with the representatives of the industry.

Mr. Davison: Thank you.

Mr. Worton: I would like to draw two items to the attention of the minister, on both of which I have been in touch with his ministry. One is in regard to home insulation; I think it has recently been raised by the member for Windsor-Walkerville (Mr. B. Newman).

Unfortunately, there are a few bad apples in the business. About six months ago, a lady from my community wrote to the ministry to complain about an insulation job and she was referred to the London office. They investigated and were of the opinion that all was well with the job the person had done. However, the lady was still experiencing dampness in spite of this insulation, and she decided to

call in a local building inspector from the city of Guelph. They indicated to her that the insulation was put on with the vapour barrier on the wrong side, which caused the moisture to float down into her livingroom. Second, where they had blown insulation in, they had blown it into the ventilators which plugged up the ventilation. Third, they had put the ventilators on top of the shingles rather than underneath so that water pours in there too. I drew this information, with more detail and the building inspector's report, to the attention of your ministry in this past week.

It seems unfortunate we should have to go to the extent of bonding everybody who wants to do business, that to protect people we have to get into more government involvement; but I do think, sir, you have to come up with a solution. Unfortunately, they take advantage of people who are retired and haven't got the time or the expertise to find out if they are getting a good job done.

As I say, there are many in the industry who do a good job, but one or two of them certainly make it very difficult for a few people who, unfortunately, get taken through the wringer. This case happened two years ago, I don't know whether the lady will have any recourse at all, but I have drawn it to your ministry's attention, and hopefully they will talk to the Kitchener firm involved, and see if it will reconsider its position and do a better job for her.

The second item is in regard to a Toronto-based delivery firm which did business with a Guelph firm and other firms in our community. A girl who worked in the office of one of the Guelph firms said: "Now that I've had my wedding, rather than send them back by post office or express, this is a nice time to send three wedding suits back to Tuxedo Junction using the delivery service." Evidently the salesman or the driver, or whatever name you wish to use to describe him, said: "Yes, here's your slip for three suits." There was no value put on it. It ended up she was getting letters from Tuxedo Junction indicating she had better return the suits or come up with some \$600 or \$700.

She went to Purolator and said: "What about this?" They said: "We'll send you a cheque for \$21." The reason they gave was that there was no value on the slip. She said she followed the advice of the salesman who had said there was no need to put the value on the slip. It wasn't a one-shot affair for Purolator because it did business with the firm where the girl worked. There's an argument going on now as to who's going to pay the \$600 or \$700 for these outfits they got for the wedding.

Hopefully your staff is very co-operative and as helpful as possible. I just wonder whether some of these firms shouldn't have some of their regulations changed so that they should be made to inform the people in a more dramatic way that the value should be put there, if that is the way the law is, so that they can't escape the responsibility of just saying: "We got the order slip, or the invoice, but there is no value on it so we'll just give you \$21." That isn't actually enough to cover the rental for one day for a suit, let alone to pay for the suit.

I would like to bring those few remarks to your attention to see if you have any solution for them.

Hon. Mr. Grossman: On the second matter raised, obviously I don't have all the details of what happened. I might say as a lawyer, not as a minister, if I had my choice of clients I would rather be representing your constituent than Purolator. I would rather be taking that side of the case to court. Of course, your constituent may not prefer to have me as her solicitor.

Mr. Worton: Do you concede that the constituent is right then?

Hon. Mr. Grossman: No. I would say from what you've said it would seem to me that on balance, if I had my choice of clients, I'd rather be representing the plaintiff in that case. From what you've told me—and I must preface it by saying from what you've told me—it sounds like the firm is using, I shouldn't say a loophole but a practice which obviously is meant to restrict the right of a consumer to be protected.

There are instances in which a person carrying on a business may quite properly say: "Look, this is the extent of what I'm offering you today." It may be either a money-back guarantee or it may not be; or something that can be exchanged in 48 hours. There are all sorts of things they may or may not offer. This seems to me to be a different situation, where it's one of those fine-print type of deals where you can have protection but only if you do this and this.

In the case you're presenting to me not only is that the situation, but also the agent or representative of the firm discouraged the consumer from taking the necessary steps to achieve protection, which may be available but is only available if one takes a positive step. That sounds, to me, to be what happened, therefore I'd prefer to have the plaintiff's side in that case.

I think this is an appropriate time to repeat something I've been saying publicly on several occasions, that is that caveat emptor,

I hope, is dead and that consumers are entitled to a little bit more than just gambling in the marketplace. Consumers are entitled to more than, well if I end up with the product and take it out of the store I'm a dead duck, that's it.

Mr. Bradley: That's right.

Hon. Mr. Grossman: They are entitled to more than that. It seems to me they are entitled to full disclosure. They're entitled not to have to read every piece of fine print in every document. It seems to me they're entitled to rely fully upon what is presented to them up front and fairly, and not have to hire an Osgoode Hall lawyer to figure out what their rights are and what steps they have to take to acquire a reasonable amount of protection. I see absolutely nothing wrong with a consumer being entitled to presume that when he or she takes dresses, suits or whatever, and hands them to a courier, they are not restricted to \$21 worth of protection—is that the figure you gave me?—I think the consumer is entitled to more than that.

Mr. Bradley: The lawyers don't like you now.

Hon. Mr. Grossman: So we in the ministry are looking at everything we have in terms of legislation to see that concept is legislated if necessary and is certainly practised between now and the time we move legislatively.

That is why I had no hesitation yesterday in saying to a group of businessmen they just have to do more than play a game.

It is not a game out there. Consumers are entitled to reliable products; they are entitled to products which work, they are entitled to restitution if they don't work; they are en-

titled to speedy access to a place at which restitution can be achieved, and they are entitled to peace of mind that they are not in a game of legal manoeuvres. We are about to make sure that that is what occurs out in the marketplace.

On the specific, I hope you will provide my people with the details, although in fairness, we wouldn't have legislative authority to get right into it. We would like to make some calls and speak to the people.

Mr. Worton: I will give that to Mrs. Allen and I am convinced she will do everything she can. The other one will go to Mr. Radford. Somewhere along the line there should be dramatic action taken—that would be the word—to make sure these people don't try to squeeze out on some little detail that they have missed.

Mr. B. Newman: Easily done.

Hon. Mr. Grossman: I agree. The consumer is entitled not to feel that he or she is in a game of checkers or chess every time they do business in the marketplace.

On motion by Hon. Mr. Grossman, the committee of supply reported progress and asked for leave to sit again.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Grossman: With the consent of the House, and in the absence of the House leader, I wish to table the answer to question 50 standing on the order paper. (See appendix, page 2844.)

On motion by Mr. Grossman, the House adjourned at 12:58 p.m.

APPENDIX

(See page 2843)

The answer to a written question was tabled as follows:

50. Mr. Ziemba—Inquiry of the ministry: Will the Minister of Revenue table all relevant information on RWI Holdings Limited regarding the exemption from the

land speculation tax. [Tabled November 24, 1977.]

Answer by the Minister of Revenue (Mrs. Scrivener):

With reference to the member's question, no such exemption has been granted.

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No. 76

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First Session, 31st Parliament

Monday, December 12, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 12, 1977

The House met at 2 p.m.

Prayers.

SUPPLEMENTARY ESTIMATES

Hon. Mr. Welch: Mr. Speaker, I have here a message from the Honourable the Lieutenant Governor signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1978, and recommends them to the Legislative Assembly, Toronto, December 12, 1977.

STATEMENTS BY THE MINISTRY

HYDRO REPORTS

Hon. J. A. Taylor: I am today tabling 11 detailed reports from Ontario Hydro on the present status of the implementation of the recommendations of the select committee which reviewed Ontario Hydro's 1976 bulk power rates.

On November 9, 1976, the Legislature adopted the government's response to the report of the select committee. In that response, a commitment was made to provide periodic reports regarding the implementation of the select committee's recommendations.

Those items being tabled today are: a summary report, and reports on load forecasting, load management, energy conservation, system reliability, system planning, by-product heat, solar energy, small hydraulics, and capital expenditure guidelines. These reports pertain only to Hydro's action in each of these areas.

Later this week, I expect to table a separate report on bulk metering.

ORAL QUESTIONS

NUCLEAR CONTROL BOARD

Mr. S. Smith: I would like to ask a question of the Premier. Could the Premier comment on the matter referred to in the Minister of Energy's statement to the House on Friday that there has been, on behalf

of the federal government at least, no really meaningful consultation on the energy-related matters to be dealt with by the proposed federal Nuclear Control Board? Does he share with the minister and with myself the grave misgivings about that and what is the Ontario government's present intention with regard to this particular bill before the federal House?

What strategy will the government follow now in terms of trying to be sure that our interests are well taken care of? For instance, has he any aggressive steps in mind such as the need for an Ontario submission to the parliamentary committee considering the bill? What action will be taken?

Hon. Mr. Davis: Mr. Speaker, I think that question more properly should be directed to the Minister of Energy if the Leader of the Opposition would like a more definitive response.

Mr. S. Smith: With respect, and by way of supplementary, given the fact that in the minister's statement he points out that ministries other than Energy are involved, including Environment, Labour and certain others, and given the apparent reference in the statement to the federal government's refusal to do very much, has the Premier considered what will happen to our own Environmental Assessment Act, just as an example?

If hearings are going to be held under the Nuclear Control Administration Act, federally, are we going to duplicate those hearings or are we simply going to give up our area of jurisdiction? Shouldn't the Ontario government be planning, under the Premier, a very aggressive stance in this regard?

Hon. Mr. Davis: We don't intend to give up any jurisdiction in terms of our own environmental laws. We would expect, whatever agency is developed by the government of Canada, it would recognize, whether it is in this province or any province of Canada, that our laws as they relate to the environment will be observed and that it will be subject to those, and in our case in particular, to the Environmental Review Board. I do not think that will change.

Mr. S. Smith: By way of a brief supplementary, would the Premier then be saying to this House that, irrespective of the existence of the Nuclear Control Board and its series of hearings, we are going to duplicate that whole series of hearings at the provincial level with regard to both energy and environmental matters? If so, surely it would be more advantageous to press for a federal-provincial single board rather than go through the whole procedure twice.

Hon. Mr. Davis: I think one would have to get into a specific case before one could discuss this. I hope there would be no duplication in terms of the kinds of review that might be held, but it could be that a review under the proposed federal legislation might be of a different nature. I think one would have to get into a specific proposal before one made that determination.

I certainly would oppose any duplication of effort, but at the same time we are very anxious that our own legislation be observed. I am quite optimistic that will be the case and they will not be fulfilling the same function.

URANIUM PRICES

Mr. S. Smith: I will ask a second question of the Premier.

Is the Premier aware of a letter to the *Globe and Mail* from Chairman Taylor of Hydro in which Chairman Taylor says, with regard to the possibility that Hydro may have been a victim of the uranium cartel in its contract with Gulf Minerals: "In the meantime, for specific information about the effects of the cartel, we, too, depend on evidence given in a foreign courtroom hundreds of miles away?"

Given the importance of this to Ontario's ratepayers, does the Premier not think this is somewhat ridiculous? Can he not use his office to try to obtain information from the federal government with regard to whether this domestic producer was, in fact, involved in having to pay higher prices because of the cartel?

Hon. Mr. Davis: I am not familiar with the exact contents of Mr. Taylor's letter to the *Globe and Mail* as it relates to the responsibility of the government of Canada as it is dealing with this issue. I think it appropriately must be dealt with by the government of Canada. It is not an issue that we can deal with effectively here because it goes far beyond the borders of the province of Ontario. If there is to be any further discussion of this matter as it relates to that

particular contract, I think it should be under the aegis of the government of Canada.

Mr. S. Smith: By way of supplementary, since the letter says that "if it turns out that Hydro was the victim of improper pricing arrangements, then we will seek redress in the courts if necessary," and given the importance of this as well as the fact that Hydro is still allegedly a child of the provincial government, what I'm asking is whether the Premier is making any effort to find the information from the federal government that pertains to this, or are he and Hydro simply watching for "evidence given in a foreign courtroom hundreds of miles away." It surely is important for the ratepayers of Ontario.

Hon. Mr. Davis: I must confess to the Leader of the Opposition that I personally have not been reading or getting a transcript of evidence given in a foreign courtroom some several hundred miles away. I acknowledge that to the Leader of the Opposition. Obviously there is an interest in this matter, but it is being dealt with. Even though it is several hundreds of miles away, at this moment in time it is not our plan to have an inquiry or what have you into that particular issue because it is clearly one within the scope and jurisdiction of the government of Canada.

Mr. S. Smith: Just a brief final supplementary: Has Chairman Taylor asked this government to obtain information from the federal government for Hydro's purposes, rather than depending on these news reports from Sante Fe or wherever?

Hon. Mr. Davis: I can't say whether he's inquired of the government. He certainly has not inquired of me.

AIRPORTS

Mr. Deans: Mr. Speaker, I have a question for the Minister of Transportation and Communications. What involvement does the ministry have with the federal government in determining the location and the suitability for the development of airports outside of Metropolitan Toronto to meet the needs of the immediate Metro area?

Hon. Mr. Snow: Mr. Speaker, I might say that the federal government on occasion has asked for input from the province of Ontario with relation to expansion or improvements to federal government airports. I'm not sure what airports or what type of airports the hon. member is referring to. We work with municipalities in the development of municipal airports. The ministry directly develops a number of airports in the unorganized territories and the remote north.

Mr. Deans: That's not in Toronto.

Hon. Mr. Snow: In certain instances, such as, I believe, Windsor and Hamilton and perhaps London, joint committees were established where the provincial ministries of Agriculture and Food, Environment and Transportation and Communications represented and had input and recommendations to make to the joint committees studying those locations.

Mr. Deans: Let me help the minister. In the case of the Hamilton area airport, was there any calculation done by the Ministry of Transportation and Communications in Ontario to determine, first of all, the need; secondly, the overall cost; and, thirdly, whether or not it might be more practical and sensible to develop a ground transportation system which would allow people in that immediate area to gain access to the existing airport facilities, which they ultimately will need to use in any event, rather than to expend many tens of millions of dollars building an airport which may well turn out to be a hazard rather than a help?

Hon. Mr. Snow: I believe the study relating to the Hamilton airport was initiated by the Minister of Transport, Canada, and I believe there was some encouragement from the municipal representatives who were interested in having an improved airport facility in Hamilton. As I recall, quite a broad study took place where alternative locations were studied as to whether the airport should be improved at its present location or at alternative locations.

Mr. Deans: I am not worried about that.

Hon. Mr. Snow: I do not believe my ministry was involved in any discussions or estimates as to cost because we would not be involved, cost-wise. Any cost estimates, if there have been any carried out, would be done by Transport Canada.

[2:15]

Mr. Deans: I have a final supplementary question. Would the minister consider reviewing the practicality of putting an airport in the Hamilton area, less than 40 miles from the existing Metropolitan Toronto airport, given that much of the traffic would have to be transferred, in any event, by ground transportation from that airport to the international airport?

Would he consider the possibility of developing the GO Transit from Hamilton, St. Catharines, Brantford to Toronto with connections to the airport here in order to both save the taxpayers money and to provide a much more sensible and rational airport development project?

Hon. Mr. Snow: I'm sure all of these things will be considered as part of our overall study being carried out with Transport Canada on the passenger transportation needs for southern Ontario. I'm not sure which airports the hon. member is suggesting that GO Transit connect to, but I'm sure he must be aware that the facilities in Malton certainly are taxed to their limit at the present time.

Mr. Deans: I'm talking about Hamilton.

Would the minister allow one more final supplementary? I hadn't intended to ask one. But would he not agree it is not possible to run parallel service to Toronto and to Hamilton and that there is the need for ground transportation to move passengers from the Hamilton airport to the Toronto airport or from the Toronto airport to the Hamilton airport? Would the minister not agree that it would be more sensible to simply provide suitable ground transportation in the first place?

Hon. Mr. Snow: I wouldn't necessarily jump to any conclusions in that agreement. I don't think it's necessary because there are two airports. Hamilton airport is served now by a regional carrier, limited though it may be. Since the report of the committee and since the resolution of the region of Hamilton-Wentworth, I have not had an opportunity to discuss this development with the federal minister.

Mr. Cunningham: Through a supplementary, I would like to ask the minister if his ministry officials have conducted any kind of study on the ramifications of the Mount Hope airport expansion on Highway 6, running south from the city of Hamilton?

Hon. Mr. Snow: One of the considerations that will have to be given to any changes in the Hamilton airport, even as it exists at this time, is improved highway connections to the airport. One of the items listed in the resolution of the Hamilton-Wentworth regional council, which I received a few days ago, was that we be involved with improved transportation to the airport. Whether it be by Highway 6 or some other artery remains to be seen.

SALTFLEET HOUSING

Mr. Deans: I have a question of the Minister of Housing which flows from a question I asked last week and which he answered in part.

Last week I asked whether he would review the conditions of some of the houses built by Pomore Construction in the Saltfleet Satellite City. I want to ask whether he would

arrange to meet immediately with Pomore and with Mr. Art Jerome of his ministry because there seems to be some conflict as to what role the ministry can play in bringing about the resolution of the many problems that confront almost all of the residents who purchased from that particular builder. Does his ministry have any power at all? I suppose that's what I'm asking. He says the ministry doesn't have any power. Does it?

Hon. Mr. Rhodes: If a meeting with the company and my staff would help to resolve the problem, I would be quite content to have the meeting. As far as power is concerned, we have held back some payment to that company as it relates to the problems the hon. member has mentioned. If he feels a meeting would be advantageous, yes, I would certainly convene a meeting.

Mr. Deans: Supplementary: Does the minister recognize in what he is doing a pattern that has been established over years? He delays and procrastinates time after time until there's no way to deal with the builder because ultimately he goes bankrupt. Will the minister please make it clear to the builder that either he completes the work by November 16, as he promised he would, or the ministry will move in and do the work and bill him?

Hon. Mr. Rhodes: We are attempting in a number of projects around this province to make sure that the buildings are completed to the specifications required when the project was started. Certainly it's true that we have experienced in the past, and probably will in the future, cases where the particular contractor, for whatever reason, finds himself in some financial difficulty. Certainly we could go ahead and do the work, and bill the particular contractor, I suppose, but if that particular contractor is bankrupt, then the total cost for such work would fall on to the ministry, because I have no more capability to recover from a bankrupt builder than anyone else does.

Mr. Deans: Supplementary: Doesn't the minister feel some sense of responsibility to people who purchased under his Home Ownership Made Easy program and apparently expected to get, and quite rightfully so, a building that would be substantially completed and sound? Doesn't he feel that in the long run it is his ministry's responsibility to make sure that in fact the buildings are completed and to protect the individual purchasers who have no way of getting back at the builder? In this case we have had promises from May of this year right through until today—

Mr. Speaker: The question has been asked.

Mr. Deans: —without a single piece of work being done.

Hon. Mr. Rhodes: I would be quite happy to convene the meeting the hon. gentleman has suggested. If there is any way we can resolve the problem, I will be quite happy to do so. I don't expect people—

Mr. Deans: It's a farce; the minister knows it is a game.

Mr. Speaker: The question has been asked.

Hon. Mr. Rhodes: I can do no more than to offer the hon. member my willingness to co-operate and to do what I can to solve the problem. If the hon. member insists upon stating that we are not doing our job properly and that it is nothing but a farce, he doesn't make it very easy for us then to go along with his particular suggestion.

Mr. Deans: You have gone for seven months and nothing has happened.

Mr. Speaker: Order. There are far too many private conversations going on. It is extremely difficult to hear.

NURSING HOMES

Mr. McGuigan: Mr. Speaker, I wish to ask the Minister of Health when there will be a decision about the awarding of a nursing home in Kent county? Proposals were requested by his ministry last summer.

Hon. Mr. Timbrell: Mr. Speaker, I understand that is down to the final stages, although I wouldn't expect anything for a few weeks yet.

Mr. Makarchuk: The member for Lambton (Mr. Henderson) should put a little life into them.

Hon. Mr. Timbrell: If the hon. member is referring to the 60-bed unit, he may recall that was previously all set, in that one of the hospitals was going to take it on, but then they got out of it. That has really put us back a long way, but I expect that should be wrapped up in a few weeks' time.

Mr. McGuigan: Supplementary. Would the minister consider splitting up that award of 60 beds among the existing nursing homes that have far less than 60 in their complement at the present time?

Hon. Mr. Timbrell: Now that we have gone this far in putting out a proposal, unless they have put in proposals to that effect, I am afraid the answer would have to be no.

Mr. Ruston: Supplementary: In regard to the nursing home applications in Kent county, has any decision been made as to what the

new nursing home licence fee will be? Is the one that has been batted around of \$5 a bed in effect as of yet, or has the minister made a decision?

Hon. Mr. Timbrell: I don't see that's a supplementary, Mr. Speaker. I will be glad to answer it, though. The licence fee is under consideration and no final decision has been made.

MOUNT OLIVE OHC PROJECT

Mr. Philip: Mr. Speaker, I have a question of the Minister of Housing. Can the minister inform the House of the cost to date and the anticipated cost of renovations to the Mount Olive OHC project?

Hon. Mr. Rhodes: Mr. Speaker, I don't have that information with me. I would be glad to get it for the hon. member.

Mr. Philip: Would the minister be willing to supply that information before the House recesses? Also, would the minister at that time either confirm or deny the rumour that these renovations, which are upwards of \$250,000, have not been offered for tender?

Hon. Mr. Rhodes: I will attempt to have the answer for the hon. member tomorrow, and I will look into the second question he has asked.

NATIONAL ECONOMY

Mr. Yakabuski: Mr. Speaker, I have a question of the Premier—

Interjections.

Mr. Yakabuski: I'll have to wait till they're through, Mr. Speaker.

In view of the fact that over the years the federal government has been very reluctant to turn over the smallest amount of power to the provinces, and in view of the fact that Mr. Trudeau has been jetting from provincial capital to provincial capital selling his new deal to the provinces, whereby he'd turn over a greater share of managing the economy to the provinces—

Interjections.

Mr. Yakabuski: —does the Premier not feel that this in itself is an admission of how the economy is being mismanaged by the federal government in Ottawa?

Mr. Bradley: The Premier is embarrassed by your question.

Mr. Yakabuski: Also, does the Premier not feel that the sly old fox from Ottawa may be trying to con the provinces?

Interjections.

Mr. Speaker: Let's have some order.

Hon. Mr. Davis: Mr. Speaker, I want to say at the outset how I appreciate such a totally objective question coming from the hon. member. It certainly reflects no partisan bias on his part; if all questions in this House were as objective as that, my task would be far simpler.

I would say that the Prime Minister has been visiting all of the provincial capitals and discussing a number of issues with the Premiers. The Premier of this province has, for some months, been attempting to have the federal government come to grips with the economic issues of the day and suggesting that a first ministers' conference related to the economy was essential.

Of course, I have to say that I'm delighted that the Prime Minister has finally accepted this guidance from the province of Ontario.

Mr. S. Smith: This is nonsense. Now you just pray you can find an idea to tell him at that meeting.

Hon. Mr. Davis: I think that while I've read certain suggestions that the government of Canada intends to share somewhat to a greater extent the management of the economy, I also sense that the government of Canada really is attempting to share some of the responsibility for the present economic situation.

I think it is clear to all of us in this House—certainly it is clear to the members directly opposite—that the great onus is on the government of Canada and the responsibility for the existing economic situation is basically that of the government of Canada. I know the members opposite certainly share that point of view.

Mr. Breithaupt: That's what your deficit is all about.

Hon. Mr. Davis: I notice they're not applauding. I'm surprised. However, I do say this, I welcome this opportunity of discussing this issue with my fellow first ministers and with the Prime Minister, because I've said for some months the time has come for this province and this country to have national economic objectives.

Mr. Nixon: That's good stuff: "the time has come."

Hon. Mr. Davis: We must put our creative minds to work to see if something can be specifically accomplished, and I hope that something of this nature will emerge at the first ministers' conference in February 1978.

Mr. Peterson: Supplementary to that goofy question, Mr. Speaker: Does the Premier have any specific job creation proposals to

take to that first ministers' conference, and if he has, what are they?

Mr. S. Smith: He's taking his deficits and his camera.

Hon. Mr. Davis: Mr. Speaker, I say to the Leader of the Opposition, I have no camera. I don't even know how to run one.

Mr. Foulds: You don't know how to run a government either.

Hon. Mr. Davis: I have a tennis racket. I don't use it so well, but I have one of those; I don't intend to take that to the conference with me either.

Mr. Speaker: That wasn't the question that was asked.

Hon. Mr. Davis: No, it wasn't.

Mr. Eakins: You don't even know when the ball is in your court.

Hon. Mr. Davis: Oh, I always know when it's in my court. The skill of this game is getting it back into their court with some degree of regularity, which I attempt to do.

I would say to the member for London Centre (Mr. Peterson) that I expect a number of provinces will have some suggestions, and certainly, prior to our meeting in Ottawa, I'd be delighted to share with him any creative suggestions from the province of Ontario—not on a confidential basis. However, at this specific moment what we will be presenting in Ottawa on the 13th, or whatever date, I am not in a position to disclose at this moment.

[2:30]

INDUSTRY LAYOFFS

Mr. B. Newman: Mr. Speaker, I have a question of the Minister of Labour. In the light of the increasing number of unemployed, now listed at 10,287 as of the end of November 1977, an increase of 98 over the previous month, has the minister been informed by industry of any contemplated layoffs or shutdowns in the Windsor area?

Hon. B. Stephenson: In the past week, Mr. Speaker—I would like that qualification—I have not had any further notification of any proposed shutdowns or layoffs.

Mr. B. Newman: Supplementary: Will the minister inquire of industry and find out how many are involved, whether the involvement is either temporary or permanent, and the period of shutdown or layoff they contemplate?

Hon. B. Stephenson: Of those which we have been notified we do just that; and we shall be prepared to inform the House.

Mr. Makarchuk: Supplementary: Has the minister received any indications of any layoffs anywhere in the province?

Hon. B. Stephenson: Mr. Speaker, I would have to ask if the member means in the past week.

Mr. Makarchuk: That's right.

Hon. B. Stephenson: Yes, one of which this House was apprised—Niagara-on-the-Lake.

THUNDER BAY COURTHOUSE

Mr. Foulds: Mr. Speaker, I have a question of the Minister of Government Services with regard to the Thunder Bay provincial courthouse. Can the minister give us an up-to-date report on the current status of the provincial courthouse in Thunder Bay? For example, is the ministry continuing to pay rent for the building, if not to the builder, John H. McCormick Limited, but to Royal Trust? If so, how much and at what rate?

Could the minister tell us what specific plans the ministry has for making the building—in his term—salvageable? Is it true that his ministry is planning to fill the basement, which is now the lockup, full of concrete and to build an annex on the back of the building for a lockup?

Hon. Mr. McCague: Mr. Speaker, there are a tremendous number of questions in that one question; maybe I should take it as notice and get the answers.

Mr. Foulds: Just three.

Mr. Speaker: The hon. minister said he will take it as notice.

Mr. Foulds: On a point of order, Mr. Speaker, if I might: I have raised these questions previously. The minister has not yet replied.

Mr. Speaker: There is really no point of order. The hon. minister can answer the question in any way he deems proper.

TRAIN SERVICE

Mr. Maeck: Mr. Speaker, I have a question of the Minister of Northern Affairs regarding the Northlander. I would like to know if he would advise the House what percentage of seats are filled on the Northlander, which runs from Toronto to North Bay? I would also like to know what the Ontario Northland Transportation Commission has done regarding advertising the Northlander, particularly here in southern Ontario, in an effort to have more passengers on the train?

Hon. Mr. Bernier: Mr. Speaker, as I am sure the hon. member is aware, the Northlander trains are operating between Toronto, North Bay and Timmins on an experimental

basis to ascertain both the amount of passenger acceptance and the operation of that particular type of train during winter conditions. We have just completed a review of the number of passengers operating on the Toronto-North Bay run and that figure stands at about 23 per cent at this point in time.

With regard to advertising and promotional programs, that is something we embarked upon when the experiment first started. It may well be that this should be accelerated and it is certainly something that I will look into.

Mr. Maeck: Supplementary: I wonder if the minister would give me his viewpoint as to whether he feels the train from North Bay to Toronto has already run long enough to be able to assess whether it is going to be successful or not?

Hon. Mr. Bernier: One of the problems we have with the operation of that particular train, and the other trains operating between Toronto and North Bay, is the excessive cost applied to us by the CNR. As you know, they have been assessing us \$13 a mile on that particular run. This is adding to the extra cost over and above our regular losses that occur on that particular run. In answer to the hon. member's question, I do think that once we get past the next few weeks, we will have some real valuable information on which to make a decision.

Mr. Kerrio: Give it to Greyhound.

Mr. Eakins: Supplementary: I personally feel that the Ontario Northlander offers an excellent service, but why is only French wine served on board? Why do they not follow the example of the Minister of Correctional Services (Mr. Drea) and at least give the people an option of enjoying Ontario wine? Why not?

Mr. Havrot: Why don't you talk to CN? Talk to the federal government.

Hon. Mr. Bernier: I have not had the opportunity of riding that particular train and enjoying the fine service that the members refer to. Obviously we should be serving Ontario wines. I'll certainly look into it and make sure that the excellent bouquet from the Welland and Niagara areas is made available on our trains.

Mr. Makarchuk: Supplementary: Can the minister give assurance at this time that he will not lay off any dining car personnel on the train until such time as he has carried out the promotional program? The second part of the question is, would the minister assure us that when he negotiates the contract with the CNR, he charges them an

equivalent rate per mile for rail use as they charge the ministry?

Hon. Mr. Bernier: The negotiations with the CNR have been ongoing for several months now. As I pointed out earlier, this is an experiment; so I couldn't give the assurance that the hon. member is looking for.

Mr. Bolan: Supplementary: Do we have the minister's assurance that the Northlander will not be discontinued in view of the great expenditure made by his ministry and by the government for the establishment of this service?

Hon. Mr. Bernier: The conventional train, to which I believe the earlier member was referring, is still in place and will remain in place on suggestion from the CTC. As the member well knows, the VIA operation comes into place on April 1. So we have no intentions of changing that particular service.

I would also point out that the experiment which was announced prior to the implementation of that particular service, an experiment for a daily service between Toronto and Timmins, will certainly not be affected in any way by any decision we make.

TEACHERS' SUPERANNUATION FUND

Mr. Van Horne: A new question, of the Minister of Education: Does the minister recall having said on July 7: "We will structure or make arrangements in the fall when we come back to have the Teachers' Superannuation Commission here, because I really want you to have an opportunity to discuss with them the whole superannuation matter." If he does recall that, could the minister tell us what progress has been made in making these arrangements?

Hon. Mr. Wells: I would be most happy to have the Teachers' Superannuation Commission come before the social development committee of this Legislature, and I will make any arrangements necessary to have that occur. However, the arrangements should be made by the chairman and the members of the committee, and I am waiting for them to let us know when they would like this procedure to be followed through. I gather the committee has been tied up with estimates since this House began sitting in the fall.

Mr. Van Horne: Supplementary: Again I quote the minister: "Could I suggest . . . that we will structure or make arrangements . . ." I am sure that the members of the committee understood that the minister would assume that responsibility. Now, if it is up to the chairman, I am sure we can pass that on to him. In the light of the miscalculation

of more than \$102 million and our expressed concern, surely that arrangement could have been started?

Secondly, I would like to ask the supplementary: When and if we do meet, would the minister assure us that the Treasurer (Mr. McKeough) will attend this meeting?

Hon. Mr. Wells: My friend said, "the miscalculation of \$102 million." Let's get that straight; there has been no miscalculation. If he had taken the trouble to read what has been said in this House—

Mr. Van Horne: I have taken the trouble. Look at the supplementaries we are doing this afternoon.

Hon. Mr. Wells: —and to understand how the teachers' superannuation fund is operated, he would realize that an actuarial valuation of the report having been received, and following the guidelines and the regulations of the Pension Benefits Act of this province, it is incumbent on us to put in \$102 million more.

Mr. Van Horne: For the simple reason that the original estimates were wrong.

Hon. Mr. Wells: There has been no miscalculation; we are merely following the laws that pertain to pension plans.

Mr. Van Horne: What would you call a \$102-million shortfall?

Hon. Mr. Wells: My friends are very exercised on this. They don't seem to realize we are going to have an opportunity to discuss this in committee this afternoon. I do not know what prompted them to bring this particular question up here. We are going to have plenty of opportunity to discuss how and why another \$102 million has to be voted for the teachers' superannuation fund this afternoon, and that can be done in committee this afternoon.

As I said before, the arrangements for the Teachers' Superannuation Commission to appear before the committee of this Legislature are up to the committee. I have offered my offices to make arrangements for that appearance at any time the committee wishes. All it has to do is give us the dates and we will make arrangements for the commission to be there.

Hon. Mr. McKeough: Eminently sensible.

Hon. Mr. Davis: A great group of people.

Mr. Peterson: Supplementary: In response, the minister said this was not a miscalculation. On the other hand, the minister only found out about it after the budget was issued. Would he not agree that he should have known prior to the budget about this very major new expenditure that had to come

out of his ministry? Is the minister sufficiently satisfied that he knows the figures for next year, the year after that and the succeeding years?

Hon. Mr. Wells: First of all, I say to my friend, who fancies himself to be much more up on economic matters than I do, that I give him more credit than to ask a silly question like that, because he knows that we did not have the actuarial valuation before the budget was structured and presented in this House and that it is quite proper, having received that actuarial valuation, to come in with this supplementary estimate. It has been done here for years.

Mr. S. Smith: You knew the ballpark and waited until after the election.

Hon. Mr. Wells: The Leader of the Opposition is crazy in that remark—

Hon. Mr. Davis: He would transfer that to the municipalities and put it on the property tax.

Hon. Mr. Wells: He knows that is not possible and that the actuarial report was not available before the election.

Interjections.

Mr. Speaker: No further supplementaries are necessary.

[Later]

Hon. Mr. Wells: Mr. Speaker, on a point of order just to correct the record: As I thought back to the last exchange I had with my friends from the opposition, I think I may have inadvertently said that the Leader of the Opposition was crazy. I, of course, would not want to be associated with a remark like that and would withdraw it. What I meant was that the idea he put forward was a crazy idea, about us having the report.

ALUMINUM WIRING

Mr. Warner: Mr. Speaker, I have a question for the Premier. Does the Premier intend to implement the three reasonable initiatives which were presented to him on Saturday by some concerned residents of his riding so that people who live in aluminum-wired homes can live with some assurance of safety? Further, will he demand that Ontario Hydro start conducting itself properly at the aluminum wiring inquiry or simply terminate the hearings?

Hon. Mr. Davis: Mr. Speaker, in that I was somewhat involved in suggesting that this inquiry be established, I have no intention of terminating it. I would like to think the member opposite, in the interests of his

constituents, some of whom face the same concerns, would himself not be suggesting that it be terminated. I think that would be highly irresponsible.

As his question relates to the three suggestions that I discussed with certain of my constituents on Saturday, I am reviewing those and having them reviewed and I will have a response to them some time fairly soon.

Mr. Warner: A supplementary in two parts: Could the Premier then share that response with the House? Secondly, does the word "charade" best describe what Ontario Hydro has been doing at the inquiry by having submissions screened ahead of time and cross-examining witnesses instead of simply presenting the information which it has and allowing the legal counsel for the inquiry to ask questions?

[2:45]

Hon. Mr. Davis: I think the hon. member, if he studied this carefully and checked the Public Inquiries Act, would find that under the provisions of that Act it has been a procedure followed in any commission that I am familiar with that people appearing before that commission do have the right to have counsel. They do have the right to cross-examine. It's the same right that the member would insist be given in some other situation.

I have not been at any of the hearings. I don't intend to attend the hearings in that I expect out of this commission will come certain recommendations which may or may not have application to government policy. They may relate to Hydro or to the Canadian Standards Association or to a number of other organizations. I think it's only proper I remain as objective as I can, at the same time sharing the concern I have felt for my constituents for some months now.

I would say to the hon. member, if he wishes to inquire of me after I have communicated to my constituents, I might share that information. I was presented with this proposal in my home on Saturday morning around 10:30 or 11 o'clock. My custom in dealing with my constituents, perhaps unlike the hon. member's, is that I intend to reply to them before I say anything here in the House.

OGOKI LODGE

Mr. Eakins: To the Minister of Agriculture and Food: In view of payments by this government totalling at least \$194,000 to the Whitewater Wilderness Lodge, and in view of more revelations today from its DREE

partners about mismanagement in the project, would the minister now consider it his responsibility to table all reports and audits done on the project?

Hon. W. Newman: I missed the first part of the question. How much money did the hon. member say we had in the project?

Mr. Eakins: A total of \$194,000.

Hon. W. Newman: First and foremost, that is not accurate.

Mr. Ruston: How much is it?

Hon. W. Newman: Mr. Speaker, I know you're as familiar with this area as anyone. This is a project which was devised by the native people and built by the native people with native help. I'd like to set the record straight on this because I think it's important. I have a few notes on it. Members of both parties over there sometimes wonder what's happening. We're trying to work out something for our native people. I'm surprised the members are questioning all these things in the House.

I'm only too glad to give them the facts as they are because I think it is very important—Interjections.

Mr. Speaker: Do you want an answer to the question?

Hon. Mr. Bernier: Are members opposite for it or against it?

Mr. Speaker: The minister is attempting to answer, I believe.

Mr. Reid: He's failing miserably at it.

Hon. W. Newman: They would have us believe the province of Ontario and the government of Canada built this project. On the contrary, Whitewater Wilderness Lodge was conceived by Indian people and built almost entirely by Indian people. At their request, a few specialist tradesmen—electricians, plumbers and construction supervisors—were brought in. All of the on-site employees were hired by the Indians and paid by the Indians out of project funds.

ARDA was the financing vehicle for the program, whereby special federal funding could be provided. A grant was authorized for the construction of the lodge and was made to an Indian organization called Ogoki River Guides Limited. ARDA, in fact, became considerably more involved in the administration of this project when it became apparent the costs were exceeding the original estimates. As a matter of fact, the costs to build this project per square foot are comparable to buildings elsewhere in the province of Ontario and in Metropolitan Toronto.

Mr. Kerrio: Like Minaki Lodge?

Hon. W. Newman: I would like to point out that 80 per cent of the Indians employed on the project previously were dependent on welfare payments. During the three-year construction period, they were productively employed and taken off welfare rolls. Further, this project gives them an opportunity to be productively employed in the future for guides and services. Irresponsible and adverse criticism of the project only undermines the great potential of our native people up there. That's the way I feel about it.

Mr. Breithaupt: What about the audit?

Mr. Eakins: Supplementary: I don't feel that questioning the spending on this project and the way it has turned out is being irresponsible. I think that's our duty.

Mr. Speaker: You said you had a question?

Mr. Eakins: Over three years there was \$100,000 from ARDA after the federal commitments, \$14,000 from Culture and Recreation and \$80,000 in 1976 for business management, which comes to \$196,000. In the light of a DREE official's comment that the initial estimates for the Ogoki lodge were deliberately underestimated by the grant applicants, can the minister say whether his ministry made its own determination of costs, and could he describe in detail what factors were included in such an investigation?

Hon. W. Newman: I think many of those questions have been answered. If the member checks Hansard of last week, I did give some figures in the House. As I said before—

Mr. Eakins: Does the minister agree with the \$194,000 figure?

Hon. W. Newman: No, not out of ARDA funds; absolutely not. Out of ARDA funds there was \$80,000 to \$90,000. Check the records.

Mr. Eakins: I said government funds.

Hon. W. Newman: All I'm pointing out is that under the Ministry of Agriculture and Food, the ARDA program is the vehicle used to try to help our native people, and the member sure doesn't help them by asking questions like that. Out of the funds that were involved, approximately \$1 million went to build the lodge and the cost per square foot was about \$53 a square foot. I'll say it's a pride to have it there. I'll also say that the \$80,000 in ARDA funds which we put into the initial construction costs was money well spent. Let's give those people a chance to operate this lodge this coming year without trying to make it difficult for them.

Mr. Makarchuk: Supplementary: In view of the fact that he provided jobs to get native people off welfare, would the minister

consider making representations to other members of the cabinet to ensure that we get non-native people off welfare by providing them with jobs?

Hon. W. Newman: That's a very inappropriate question for me, except that I would like to point out that this government did supply money to my ministry last summer to create jobs—

Mr. Reid: One guy from New Zealand got a job.

Hon. W. Newman: —and we did create a lot of jobs in this province and there is still some of that money being used to create jobs. Don't forget that.

Mr. Nixon: Nobody knew anything about that program—not even the electors. The government didn't even sell that program.

Hon. W. Newman: We didn't have to.

NURSING HOMES

Mr. Cooke: Mr. Speaker, I have a question of the Minister of Health. I would like to ask the minister if he has answered a letter from Sister Olive Gilcrest of Local 220, the Service Employees Union, London, dated November 25, whereby that union, representing more than 1,000 workers in nursing homes in this province, asked the minister to consider a public inquiry into nursing homes in this province.

Hon. Mr. Timbrell: I don't believe I have answered that yet, Mr. Speaker.

Mr. Cooke: Supplementary: When the letter filters through his bureaucracy, would the minister mind sending me a copy of his response to the request?

Hon. Mr. Timbrell: Yes, I would. Since it was a letter to me—I didn't realize she was a religious sister—I'll send that to her; then I'm sure the member can get a copy from her.

TRAIN SERVICE

Mr. G. E. Smith: Mr. Speaker, I have a question of the Minister of Northern Affairs. In view of the statement given by either the chairman or the general manager of the Ontario Northland Transportation Commission that the passenger service on the Ontario Northland is under review, could the minister assure me that when reviewing the schedule of the Northlander he will review the possibilities of having it provide train service to the city of Orillia?

Hon. Mr. Bernier: As the hon. member well knows, Mr. Speaker, the train service provided by ONTC is designed, of course,

to assist as many people in northeastern Ontario as possible, certainly along the entire northeastern Ontario corridor, of which Orillia is a part of that situation. I would say to the hon. member that we are having certain difficulties with the CNR because of its requirement that we travel over its road-bed only at specific times and at specific speeds, but I'd be glad to take the member's suggestion under consideration.

Mr. G. E. Smith: Supplementary. In view of the fact that one of the cities being served by the Northlander, the city of Barrie, is already receiving rail commuter service and GO bus service, and it is my understanding that the reason the train doesn't stop in Orillia is to maintain the fast schedule, could he review all the aspects, keeping in mind the lack of rail service and GO service to the city of Orillia, to assist the commuters?

Hon. Mr. Bernier: Knowing of the member's sincere interest, I would be glad to take that under consideration.

INTERMEDIATE CAPACITY TRANSIT SYSTEM

Hon. Mr. Snow: Mr. Speaker, I would like to reply to questions a few days ago from the Leader of the Opposition.

The Leader of the Opposition asked me a number of questions in the House and again last Friday regarding UTDC's program in Kingston to develop an intermediate capacity transit system. The questions dealt with technical matters, and even though we will be discussing matters related to UTDC in our estimates this evening, I can relate the following answers to him.

The first question was: Did metal fatigue and stress loads in the steerable truck render it impractical? The corporation advised me that no metal fatigue occurs in the truck. The steerable truck now is under test and is operating well and the stress loads on this truck are from 20 to 25 per cent below UTDC's original predictions. At present all aspects of the steerable truck are performing well and are proving to achieve benefits well beyond our initial expectations.

The second question was: Has the linear motor been rejected and has a rotary motor been substituted? UTDC advises they are continuing their work on many elements of motors and electric motor power control units for their streetcar program and other programs. UTDC has conducted a number of investigations into AC rotary induction motors as well. These programs are generally successful and will carry on. However, I am

advised that at present there is no intention to substitute a rotary motor propulsion system for the planned linear motor propulsion system on the ICTS program.

At the beginning of the LIM development program there were six major technical feasibility risks as the corporation calls them. These related to: 1. The air gap on the motor; 2. The control of vertical forces from the motor; 3. Electrical magnetic compatibility of the motor and other subsystems; 4. Cost viability of the LIM; 5. Thrust performance of the motor; and 6. LIM cooling.

The status on each of these as of November 1977, according to the corporation's report, is that: 1. Testing to date has shown that the risks of not achieving an 11-millimetre air gap have been substantially reduced; 2. Tests have eliminated the feasibility risks in controlling the vertical forces; 3. Testing has confirmed UTDC's earlier analysis and the corporation believes that the electrical magnetic compatibility is no longer a risk item; 4. The present motor configuration cost viability is estimated to be within three to five per cent of the original predictions; 5. Current testing on sheet rail laminated back iron reaction rail type have yielded satisfactory thrust performance results. However, they are currently approximately 10 per cent below our predicted thrust performance. Current testing and design of reaction rail type and LIM design modifications are intended to increase thrust performance to predicted levels.

And to the supplementary question last Friday, the current testing indicates that air cooling of the motor is feasible and there is no intention to switch to liquid cooling of the motors. The basic design challenge now is to improve fan reliability for air flow and complete the routine development for ducting air flow in a way that will not ingest snow, ice and debris from the guideway.

Significant improvements in this performance cannot be further tested until the dynamic test program is conducted on the track at Kingston. This should be by mid-1978.

The last question relates to the length of the vehicle. UTDC has indicated that it is exploring vehicle configurations ranging from 9.3 to 12.7 metres, which is approximately from 30 to 40 feet. Under any vehicle configuration, the key factor will be the station or train length. UTDC indicates it is maintaining the station and train length at 35 metres. The basic vehicle configuration will be determined by the economics of operating three- or four-car trains equalling the maximum train length. UTDC reports that there are some system economies obtained by hav-

ing three-car trains rather than four-car trains. If so, this would allow each vehicle to be slightly longer, eliminating the need for four sets of equipment, and instead substituting three equipment sets.

It is the judgement of the corporation that the program is proceeding well; it is a development program, and in the process of developing this transit system a number of changes will occur as the technology develops. At present they believe that all operating requirements established in 1976 will be met.

[3:00]

SCHOOL BOARD BUDGETS

Mr. Bradley: I have a question of the Minister of Education. At a meeting a couple of months ago in Hamilton, the Treasurer indicated that the boards of education could expect to receive all necessary information concerning provincial grants and the total amount of money that would be available to them for the year 1978. In the light of the fact that the minister had a meeting, I think on December 1, with board officials here in Toronto, could he indicate whether he provided this complete information which would allow them to strike a budget in the year 1978?

Hon. Mr. Wells: No, we did not. We will not have the general legislative grants for the boards ready until early in January.

Mr. Bradley: Supplementary: Would the minister not agree that this makes the job of the boards of education very difficult, in light of the fact that they have to look at their staff complement, whether they have to cut, whether they're permitted to allow more people into the system, and other operating expenditures? Would he not agree that providing the information this late does not allow them to budget properly?

Hon. Mr. Wells: I don't accept that completely. They know roughly what they're going to get. They know there's not going to be an over-abundance of money available. The Treasurer has indicated in exact terms the amount of increase there will be in the general legislative grant. I don't think it takes a wizard to know that things are not going to be rosy next year, and I think that the boards are working and doing their preliminary budgeting with that in mind.

We gave them some preliminary indications, in the same manner that I'm doing right now, at the meeting with the directors on December 1. We really can't have the general legislative grants ready any earlier this year.

POLLUTION BY PULP AND PAPER COMPANIES

Ms. Bryden: A question of the Minister of the Environment: Because of the concern about the slowness of the pulp and paper industry in meeting the 1965 standards for discharges into Ontario waters, I would like to ask the minister if he is confident that the deadline of December 31, 1977, which applies to nine control orders—or "Kerr-trol" orders as we've heard them called—affecting seven mills, will be met? Has he been in touch with the companies this month to remind them of the December 31 deadline?

Hon. Mr. Bernier: Remember what you did with Inco and Falconbridge.

Hon. Mr. Kerr: Mr. Speaker, these questions were asked three or four times by the hon. member during my estimates.

Ms. Bryden: I didn't get an answer.

Mr. Riddell: Tell her to read Hansard.

Hon. Mr. Kerr: Yes, I should send her a copy of Hansard. In any event, to answer the hon. member's question, it is expected that those terms of a control order which will mature the end of this year will be met by the companies.

DOUGLAS POINT PROJECT

Mr. Gaunt: Mr. Speaker, I have a question of the Minister of Energy. Since the Douglas Point greenhouses project report has now been completed, when will the ministry be making that report public? Since the government has had this report for some few days, why has the government been delaying its release?

Hon. J. A. Taylor: Frankly, Mr. Speaker, I haven't read that report yet, but I see no reason why it shouldn't be made public. I am anxious to see that that project is expedited as quickly as possible.

Mr. Gaunt: Supplementary. Very briefly, has the government made any decisions as to whether the project will go forward? If so, where will the project be located?

Hon. J. A. Taylor: That decision has not been made.

THUNDER BAY COURTHOUSE

Mr. Foulds: Mr. Speaker, I am not satisfied with the answer given by the Minister of Government Services to the question asked previously, and I'll file notice with the Clerk.

Mr. S. Smith: He said he would take it as notice.

MOTION

SUPPLEMENTARY ESTIMATES

Hon. Mr. Welch moved that the supplementary estimates for the Ministry of Transportation and Communications be referred to the standing general government committee for consideration within the time already allocated for the estimates of that ministry.

Motion agreed to.

INTRODUCTION OF BILLS

LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Welch moved first reading of Bill 122, An Act to amend the Legislative Assembly Act.

Motion agreed to.

LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES AMENDMENT ACT

Hon. Mr. Welch moved first reading of Bill 123, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.

Motion agreed to.

ORDERS OF THE DAY

THIRD READING

The following bill was given third reading on motion:

Bill 43, An Act to revise the Audit Act.

House in committee of supply.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS (concluded)

Hon. Mr. Welch: Mr. Chairman, before you proceed with this; it is my understanding that it is the hope of the committee to complete consideration of these estimates just before 6 o'clock in order that this evening we can go to legislation, at which time, 8 o'clock tonight, we will start in committee of the whole House with Bill 98.

On vote 1402, commercial standards program; item 6, business practices:

Mr. B. Newman: Mr. Chairman, while the minister gets ready I would like to bring to his attention some business practices that are unfair and take advantage of many other businesses in the community. I am referring to situations such as we have had in the past where out-of-province advertisers would bill business and industry in the province of Ontario. The bill wouldn't look like an invoice at all, but it was really an invoice asking them to pay X amount of dollars. In fact it

would be a phoney invoice. Many residents in the province have thought that these were legitimate invoices and as a result have sent funds.

The US government has looked into this and I would like to bring what may be an answer to the problem to the attention of the minister. "Under new US rules," and I am reading a December 9 newspaper clipping from the Detroit Free Press, "a disclaimer will have to be printed in colour, contrasting with everything else on the face of the material and will have to be at least three times larger than normal printing on the so-called invoice.

"People sending ads would not be allowed to include such qualifying statements as, 'Notice required by law.' Further, they would have to print one of two statements on the solicitation: One, this is a solicitation for an order of goods, services or both, not a bill, invoice or statement of account due; or, you are under no obligation to make any payments on the account of this offer unless you accept this offer."

That has passed the US House. I think it has merit as far as Ontario is concerned. I hope that the minister's officials would look into this and verify if it can be adopted in whole or in part.

After a reply from the minister on this I have two other items I would like to discuss with the minister on unfair or fraudulent business practices.

Hon. Mr. Grossman: I think that would be easier to implement on a national level, as the Americans did. It is certainly a good bit of preventive medicine. I would be happy to take a look at it, I am very interested in it.

Mr. B. Newman: I would appreciate it, Mr. Minister, to see if it can be adopted in the province of Ontario.

Another issue I want to raise with the minister is whether he has control over the pricing of radios put in as equipment in new automobiles. The US Senate also looked into the pricing of radios. Looking at the manufactured price of the radios and what is charged to the consumer, this was a rip-off 10 times worse than coffee.

An average AM auto radio in the United States costs \$13.52 to manufacture. The price when installed in a US vehicle is about \$70. They use a formula of one, two, three, four. In other words, \$70 if the radio in the car is only an AM radio and \$140 if it's an FM; three times \$70, or \$210 if it is an AM-FM stereo; four times \$70, which is \$280, if it is an AM-FM stereo with tape deck. Yet the cost to manufacture these radios in the US

—including labour and components—runs at \$13.52 for an AM; \$20.47 for an AM-FM; \$35 for AM-FM stereo. There is no indication what the complete package AM-FM stereo and tape deck cost to make.

It strikes one as being exorbitant. You don't need profit on the car if you make this kind of profit on the extras. This is in the United States, I'm not saying it is Canada. They are charging \$280 for four radio components that go into that vehicle, whereas the manufactured price of the radio unit is extremely small.

Do you have any control as far as pricing of such items for Canadian manufactured vehicles is concerned?

Hon. Mr. Grossman: The answer is similar to that of coffee. I have no power to roll back prices or to determine what is or is not a fair price. Hopefully the marketplace would determine that. If the marketplace doesn't determine that and where all of the manufacturers of automobiles are carrying on the same practice, if the figures you have given me are true, then I suspect you are quite right in speculating they don't make much profit on the automobile as a unit but make a fair amount of profit through extras. [3:15]

It is an interesting point, talking about the workings of the marketplace, that businesses like Canadian Tire, which retail the units themselves for installation in the cars, are able to retail them at a lot lower figure than the figures you are giving me, for in-car delivery as it were. Firstly, this would lend credence to what you are saying; and secondly, it would indicate that consumers in the province ought to be looking at the retail outlets as a viable alternative to being locked into the in-car purchase of a radio.

Mr. B. Newman: Mr. Minister, I will send you a Xerox copy of the article. It is a fairly recent article, from September of this year. It does really amaze one, when you read the cost of the article concerned and what the selling price happens to be.

Hon. Mr. Grossman: The answer is similar to the situation on coffee, I don't have any power.

Mr. B. Newman: The only other thing I wanted to raise with you—I have a lot of additional matters but there are others who want an opportunity to raise other issues and if we are working for a six o'clock deadline I would prefer to be fair and give everyone else a chance.

Hon. Mr. Grossman: They would not be that good to you; but go ahead.

Mr. B. Newman: The other matter is the hearing aid business. Do you have any control over that at all? I notice that the US Congress is cracking down on that industry. Not that I am saying that the Canadian industry is corrupt or anything of that sort, but when you see what is going on in the United States you wonder if some of those practices don't cross the border and are not copied here in the province of Ontario.

They do seem to have some answers for some of the problems in the US. They are passing legislation, or have passed legislation, so that you cannot buy a hearing aid unless you have a doctor's prescription indicating the need for the hearing aid.

There are a lot of other things, but I would rather not take up the time of the House. I will Xerox the article I have; your officials could look it over and see if it merits some type of action on the part of the province of Ontario.

One more item; I think every one of us got a letter from some individual exposing the pyramidal sales practices that are going on. A letter showed up in my mailbox this morning, as others have over the past week or two. Are we controlling pyramidal sales or do we still have people taken advantage of and as a result find themselves put into an embarrassing financial position?

Hon. Mr. Grossman: First let me say about hearing aids: I am glad the member brought it up, because it is something that, in fact, has been on my own personal list for some time. Frankly, I have been just awaiting the winter/spring ease-off in the initial rush of business in my office to sit down with my staff and—

Mr. Foulds: To get tested for one.

Hon. Mr. Grossman: —have a very close look at the subject. I have, frankly, a friend of mine who is an otolaryngologist—I think I have said that right, we will see how it comes out in Hansard—who has been doing extensive work with senior citizens and has complained to me bitterly, with letters and documentation, drawing my attention—and this was long before I was appointed to this post, I might add—to the susceptibility of senior citizens to the type of practice that may be carried on; and indeed instances in which, advertently or inadvertently, machines, hearing aids, without appropriate warranty provisions or without appropriate testing with regard to the real source of the problem, are sold to rather unsuspecting senior citizens.

It causes me a lot of concern. I want to provide my specific assurance to the member, and the House, that it is something that

will receive our very careful attention in the new year. The Pyramidic Sales Act is at the moment under review to determine its continuing relevance, and whether or not pyramidic approaches to product marketing should continue in view of the maturing of people's awareness of and comfort with other forms of distribution. In fact it may no longer be necessary to allow companies to recruit distributors on this basis. You can tell from the fact I've been able to read that to you that we have been looking at the problem and are concerned about it. We have prepared a definite review and response on that matter. You can take that response as a policy statement with regard to where we are right now in pyramidic sales.

Mr. B. Newman: I have other questions but I'll give someone else a chance first.

Mr. Young: In connection with pyramidic sales, I wanted to push this matter a bit further. Last February a gentleman who was working with the St. Vincent de Paul Society came to my office. He said while delivering Christmas parcels—this was a year ago—he came across a family that needed help. The gentleman said, "You'd have to see their apartment to believe it. It's falling apart. They have no couch and the furniture is all in pieces."

The gentleman who lived in the apartment and who was in trouble earns \$3.50 an hour and his wife works at the minimum wage. They have a four-year old daughter. They've been in Canada from South America for four years. When questioned, the gentleman said he was \$6,000 in debt and it took all his earnings to pay the rent and keep up. He saw no way of getting out of it. He was desperate but did not know where to turn.

I asked the gentleman to bring the Spanish person in. He came in next week with his parish priest who speaks Spanish. I got a written statement from the parish priest and I'll read parts of it, I don't want to take the time to read all of it. He says, "Further to our telephone conversation, the gentleman was first contacted by a friend"—and he gives his name—"who then lived in Bramalea." He has since moved and they don't know where he is. "The gentleman concerned attended a meeting at the office of the Bestline company on Oakdale Road. This meeting was held on October 1, 1976. By October 5, 1976, the gentleman went to the Bank of Nova Scotia at 95 Dundas Street East in Mississauga. A loan had been arranged by the gentleman mentioned before, whose address is no longer known, and the forms were ready for him

to sign at the bank. The loan was made for the \$6,000." I have a copy of it here.

"The loan was for \$4,965. The cost of the loan was \$1,310, making the total note \$6,276.36. In security, certain things in the household were taken." What the parish priest said after examining them was that, "the goods were anything but what they were represented to the bank." They included a refrigerator and stove which belonged to the apartment; a stereo which turned out to be a second-hand one which Mr. Fernandez had purchased for \$30, and a carpet which had little value and was given to the gentleman by a friend—I used his name. Apparently the Bank of Nova Scotia failed to verify if these assets actually existed.

In any case, the gentleman got several of his friends, as he was instructed by Bestline, and became a distributor. He got the material and found that he couldn't sell very much of it. His friends could not sell it either and he was stuck with the material and with the debt.

Certainly he was allowed to return the material to the company within the six-month period, provided the cartons were unopened; but the distributor to get his material out and the people in order to sell had to open the cartons. They could only get back 75 per cent of the total value even when it was returned, so the company was assured of 25 per cent profit off the top, regardless of what happened.

I contacted the minister's department and Mr. Baird did a rather efficient job in this whole field. He was able to persuade the company, by whatever means he has, to allow the material to be returned even though it was not in sealed packages. So the gentleman concerned was able to recover a good part of his assets. It turned out better than he had expected at the time he approached us.

There are two or three things I want to mention to the minister and ask some questions about.

First of all, under the present Pyramidic Sales Act, which we thought we had tightened up several years ago and made this kind of process impossible, the company only has to file a prospectus with the government setting out who they are, what they are and what they plan to do. Having done this, their obligation is finished and they can do what they want to do with whomever they want. That seems to be a place where this matter is too wide open.

The second thing I would point out to the minister is that it was just by chance that the representative of St. Vincent de Paul went to help this chap at Christmas and discovered

his desperate situation. As we looked into this, we found out that four or five other people who were subdistributors for this particular gentleman were also in the same kind of a fix. They were new Canadians from South America, Spanish-speaking, not facile in English at all, and they were promised great wealth. They were promised that they could make all this money; and if they got their friends to sell they would get a cut on that. So a fortune was dangled before their eyes.

The unfortunate part of it was that that fortune just did not exist. The company was able to take the 25 percent off the top regardless; then of course they made their profit out of what was sold.

We have had various communications about Bestline, and companies like it. Bestline is approaching people who are more or less newcomers, who are anxious to get ahead, who do not know the hazards that are facing them in this kind of a situation.

Evidently the bank was willing to advance \$6,000 to this particular person to buy goods without proper security. It was in this case, although I spoke to the bank manager and he agreed that they should stop this kind of credit. I don't know how the bank slipped up here, because ordinarily they demand airtight security. They didn't here. Why they should co-operate with a company like Bestline to take these people to the cleaners I just don't understand.

Perhaps the banking fraternity is learning something from experiences like this, because certainly this man never would have been able to make his payments. They were getting a few early payments, but beyond that nothing. What they were going to do in order to get their payment I don't know. They could garnishee a man's wages, but then he would lose his job and the bank again would be out in the cold.

I wonder if the minister would make a comment on this and tell us, in his examination of this whole situation, that this kind of thing must stop, that no longer can this kind of exploitation take place in a province like Ontario? I know caveat emptor is the great phrase, "let the buyer beware," and in this case let the person beware who was being sucked into this kind of a situation; however most of these people who are taken to the cleaners this way are innocent people who don't know enough about Canadian life, who don't know enough about credit and who are helpless in this kind of a situation.

[3:30]

Perhaps they should know more, and should inquire more before they get into a situation

like this, but the fact is this company is able to operate, not only in this case but is evidently operating on a wide scale according to the memos we are getting. So the pyramidal sales legislation which a few years ago we thought had tightened up this whole process only means, as far as I can discover that the company has to file a prospectus and then it is home free from that point on. I wonder if the minister would comment.

Hon. Mr. Grossman: Yes. First the member talks about caveat emptor; as I have said in several of the public speeches I have given, I don't believe that the pure concept of caveat emptor ought to be the policy of this or any government in 1977 or 1978, and that is especially the case where there is a clear imbalance of information.

You can't cling to the principle of caveat emptor and pretend that that's a sensible or fair doctrine where there has just been an enormous imbalance of information; whether it's information with regard to a product—what is behind, for example, the building of a home—and an inaccessibility to some of the details you need to know about it; or whether there's a person-to-person imbalance, as is often the case with persons who have a language difficulty. Where there is that intense imbalance, then you just can't say, caveat emptor, you can't say let the buyer beware; and I want to make that very clear. The pure concept of caveat emptor, it seems to me, is dead in those circumstances.

Secondly, to answer your question about the current Act; of course I wasn't here when it was passed, but whether there was an understanding that you were putting pyramid operators out of business or not I can't say. The Act does do certain things. For example, it permits the registrar, before issuing a certificate of acceptance, to look at a lot of things. I will read you some of the parts without taking too much time. Section 6(a) of the Pyramidal Sales Act deals with an assessment of the promoter's financial position. Can he "reasonably be expected to be financially responsible . . .?" In subclause (b) we get to "the past conduct of the promoter . . ." (c) whether "the promoter is or will be carrying on activities that are in contravention to the Act . . ."; under (d) we look at whether the "prospectus contains any misleading facts or omissions"; (e) whether "there is any immediate availability" or inavailability "of the commodity . . ." And it goes on to enumerate 12 things that the registrar looks at. They are fairly comprehensive and permit the registrar to look at all aspects of the scheme.

I say that not by way of a defence of the

current situation, but by way of explaining what the Pyramidic Sales Act now provides. It does provide a certain review of the operation. That review is also in the context of the fact that the same Act provides something that's very important, and that is an escrow fund from which the people you are concerned about were able to obtain some money.

That's very important, as the members will have heard me say before. I think one of the problems we have in the whole area of consumer protection is restitution. Just prosecuting someone or putting him out of business doesn't put money back in the hands of the consumer who has been duped, so it seems to me to be very important that under the Pyramidic Sales Act there is something there, an escrow fund for a period of time, six months; and a lot of money too, in the sense that you can get 75 per cent of your money back under the circumstances you have enumerated.

Now those are products of the Act, they are functions of the Act, so some real protection was granted by you and the other legislators who were here in 1974. In fact, in the case of Bestline, as of December 7, there was \$1.2 million in that company's escrow fund standing there available to those persons who reclaimed it. That's a lot of money available to those people. That, it seems to me, is an important part of the Act.

I want to confirm for you that the fact there can be that amount of money in the escrow fund gives me great cause for concern. I mean it gives you some outline of the number of people who are being—I don't want to say taken in, but I do want to say participating in pyramidic sales.

Mr. Young: How does the victim of this situation get his money from the escrow fund? In the case which I cited to you today, there were a half a dozen people at least who were out there in the cold. They knew nothing about the escrow fund. They had given up. All they knew was that the bank was after them and that they had to pay the bank every month.

Hon. Mr. Grossman: Unless I missed a part of the question, and please tell me if I have, the ordinary course is for a claimant to write the company and ask for the money back—providing of course it's within the six-month period. If there is any difficulty whatsoever, then my ministry should be contacted immediately, in which case the registrar and other staff will look into it immediately. Under the Act, the registrar can suspend

or withdraw approval of the registration under section 8 of the Act, so that action can be and is taken immediately. The role the member plays quite properly in this particular instance he's giving me—is to direct his constituents to my staff.

It's not a problem unique to pyramidic sales. Often people out there, and we're concerned about the fact, don't know exactly who to call or where to call. We're trying to deal with that problem through advertising and other means. But the simple answer is to go at the company to exercise your rights under the Act. Failing that, come to the ministry. In fact people may come to the ministry first and we'll undertake to make the necessary contacts with the company.

Before I leave the subject there are a couple of other things I'd like to say. Firstly, I have spoken of new franchise legislation. That may be an appropriate time at which we can deal with this problem once again. It is generally felt that if we were to outlaw entirely pyramidic sales of any type whatsoever the following day a lot of these people would be back in business selling what they would purport to be a franchise operation. "I have a franchise for this particular brand of soap, and now I'm going to franchise my rights to sell this soap to you under certain terms and conditions."

I'm not saying that would necessarily be lawful. I'm pointing out that they would move to a different façade in order to perhaps carry on the same practice. It's for that reason that dealing with it at the time at which I may be bringing forward a new franchise bill—not a new one, the first one in the province—perhaps in 1978, then we may be able, at the same time, to repeal the existing legislation and make an attempt to end pyramidic sales in the province. It gives me a great deal of concern that the practice is being carried on to the extent that is obvious from the figures I have given you.

As I said right at the top of my remarks, I'm looking very carefully at whether or not we ought to be permitting this sort of practice at all in the province at this time. If we reach that conclusion, which I'm inclined to say appeals to me, then we would have to do it in conjunction with the franchise Act in order to make sure there are no loopholes available.

To point out the difficulty in this, if you outlaw pyramidic sales you then have to deal with the absence of an escrow fund for those people who might get involved through those operations that will switch to a franchise type operation. I don't pretend to be

able to assure the House that whatever franchising legislation we may come up with will be absolutely devoid of loopholes that clever people may try to take advantage of.

I hope the hon. member will understand I'm saying this without even knowing what form the ultimate franchise Act will take, but it's not inconceivable that some people could take advantage of a new Act, try to do what they're doing now, and because we wouldn't be requiring the type of procedure now available under the Pyramid Sales Act we may end up with less protection because the escrow fund wouldn't be there. You will understand that in the case of a normal franchise operation—for example you wouldn't have McDonald's Restaurant being required to set up an escrow fund.

So those are some of the concerns. I am saying this to the member honestly, telling him my concerns and my desire to continue to frown upon this sort of practice and to see what we can do to end it.

With regard to Bestline, I would like to deal with that specifically for a moment. We are not unaware of the problems around Bestline. We are just having a look at their operation to make sure that all aspects of it—I really don't want to give you the specifics of what we are looking at, but the whole operation is being looked at intensively by my people right now.

Mr. Young: I wonder, Mr. Chairman, if the minister could tell me if the banking system is still making loans for this purpose? It seems to me that the banks are in business to make a buck by loaning money, and how they loan it is pretty hard for us to say, but it may well be that in this case the security was not there and there was carelessness somewhere on the part of the bank concerned. Certainly the manager, and I talked to him, was very upset that this should have happened. He had thought there was plenty of security, which did not exist when they finally took a long look at it.

I am wondering whether in looking at this the 25 per cent is not too generous an amount. That is, the company only has to refund 75 per cent of the value of the goods; in other words they make their profit anyway, regardless of what happens.

Secondly, they are not, it seems, so concerned with selling goods as they are in getting people lined up who will get these loans and bring the cash flow into the office of the company, whether the goods are sold or not. It seems to me if a pyramid sale is going to happen, if we are going to allow it—and I quite appreciate the minister's difficulty in this whole field because it looks as though if

you smash down an evil thing in one place it bobs up someplace else; it is hard, legally, to stop that whole process—but I am wondering whether or not there isn't some way that the selling of goods can be made paramount, rather than putting emphasis on bringing money in through a multiplicity of agents? I suppose that whole thing would destroy the pyramid idea, but as far as I am concerned that wouldn't be a bad idea.

The other question in my mind is the matter of past conduct. A pyramid company applies for registration and brings a prospectus to the ministry. The whole thing is outlined, that is what they plan to do, and yet they have no past record. I suppose it is a case then of seeing what the credit rating of the partners is, or the company itself, and making the best judgement you can as to whether or not this company will live up to its promises; that is if it is a new company.

Hon. Mr. Grossman: I tend to agree with the member that 25 per cent is on the high side. I also want to say that that is not as a result of an intensive study by myself of the industry, if you want to call it an industry. In my initial thoughts when I read the Act in detail—I guess it was just shortly after I got on the job in late September—that was one of the things that concerned me and it hasn't been dispelled.

[3:45]

Secondly, your point is very well taken that some of these people may be in the business of head hunting, not the sale of goods. It is precisely on that point that we are studying the existing operators and that is the area to which we will be addressing a review of the legislation which we may be bringing into force. You are absolutely right that it should be goods, not head-hunting. We have to find a way to force them to deal with goods, not heads.

Finally, on the matter about banks; one of the problems is when the people who are bad guys—let's call them bad guys—in the business get their paws on someone, they probably are not adverse to counselling them as to how best to get money from the bank to complete the scheme. If that is the case, depending on the circumstances of course then they would be party to a fraud if they have misrepresented circumstances to the bank. It would be a fraud, and that would not be a matter for us but it would certainly be a matter for the federal authorities.

Mr. Young: I have one further question along this line. Has any discussion taken place with the banking fraternity about this business of credit? It looks as if what is happening in that companies like Bestline are

able to transfer their liabilities to the banks so that Bestline is no in the line of fire at all. The bank has to collect what Bestline now has as an asset. It seems to me the banks must have had some grief in this field. I can't see why this kind of an experience hasn't been multiplied many times.

It may be that what the minister should do is have a nice long talk with the people who run the banks in our province to see whether they might co-operate in choking off some of this credit instead of taking the rap for companies that should be meeting their obligations and not shifting them to the banking fraternity.

Hon. Mr. Grossman: I could speculate on the reasons why there aren't a lot of companies into pyramidal sales. In fact, we've got only one registrant under the Act, Bestline, and no other applications. One of the reasons for that, I suspect, and I could be wrong, is that the availability of money isn't quite what it could be. In other words they are probably having some difficulty in getting banks to lend money to their prospective customers or whatever. I could be wrong, but I would speculate that may be part of the reason for the fact there is only one company in the business at the present time.

I really would hope, even without our intervention or suggestion to them, that banks are exercising some sort of an analysis of where the money is going. Surely they should, in spite of the fact that the people who come to them for loans have perhaps been counselled as to how to handle the manoeuvre. We are talking about the very same applicants for a loan when we talk about their susceptibility to high-pressure tactics, and it would seem to me those people would not be the persons who, you would think, are most likely to be able to con a bank manager out of some money in turn. If they were that smooth, they would probably be able to con more customers and sell the product they are taking on. I would find that just shocking.

However, in terms of what is happening out there, I tell you that if \$1 million represents 75 per cent of six-months action for Bestline, there must be some money getting out from the banks. I would hope they would be more careful. I am going to think about that one, that's not a bad suggestion.

Mr. Young: In this particular case, the work with the bank was done by a person who was involved with the company.

Hon. Mr. Grossman: Oh really.

Mr. Young: He went with the Spanish-speaking person to the bank, arranged the

loan and outlined the security. All the gentleman had to do was to sign on the dotted line. Then the other person evidently couldn't be found. We tried to trace him but he wasn't at the address where he was supposed to have been. The trouble with many of these people, once they get the bank loan, is that they will struggle endlessly to pay it off. That's a pretty serious obligation as far as they are concerned and the garnishee is there as a threat. They will go without almost anything else in order to keep up that bank payment. It is a serious situation and one which I am glad to know the minister is seized of and that some progress can now be made along this line.

Hon. Mr. Grossman: In closing this topic, I want to confirm my concern about it and invite the member to give us any further information he may have, or any suggestions he may have for us in dealing with it. It frightens me.

Mr. B. Newman: Mr. Chairman, I wanted to ask of the minister if in his new franchise legislation he is going to include the problem of the gasoline retailers. We know the difficulties they have had in the past and how they were being taken advantage of by the big corporations. As a result, many of the small independents had no choice but to get out of the business completely or go into strictly repair work. They could not operate their gasoline outlets because of the regulations and the rules set by the supplier of the product. Are you considering the gasoline retail industry in your new franchise legislation?

Hon. Mr. Grossman: Yes. The approach I am taking, or hope to take in the franchise legislation—I have said so publicly—is not a registration approach but rather what we call an umbrella approach similar to the Business Practices Act. It will be an all-encompassing type of guideline with regard to what you have to disclose, and will have certain rules that ought to be followed.

If we went the registration route, then there would be some opportunity for exclusion by way of deciding who does have to register and who does not have to register. Our inclination now is to go the umbrella route, not registration but rather guidelines for carrying on business. Taking that approach, we would not be excluding the gasoline franchisers, it would be all encompassing.

So yes, we will deal with it. Admittedly, it is such a special case that we will be addressing our attention to the special relationships involved so we will know the ap-

plicability of our legislation to them; they will be covered in the new Act.

Mr. B. Newman: I am pleased to hear that, because I am sure you are aware of the problems the gasoline retailers have had, over I would say approximately 10 years now. They have never been able to seem to get any redress or any action on the part of your government. We hope that you will now be able to show a little light at the end of the tunnel for them and they will once again be able to operate as independent retailers rather than be at the mercy of the multi-national supplier.

One of the other items I wanted to raise with the minister concerned the safety of certain articles in the marketplace. If it is your responsibility I wish you would answer, and if it isn't likewise let me know. One article is the flying saucer, a circular device on which the youngsters sit and go down the hills. The fact that it cannot be guided or directed is a tremendous hazard to the individual who uses it as a toy, especially youngsters. Your officials may recall, Mr. Minister, back several years ago I was in contact with a professional engineer by the name of Mr. Green from the Niagara Falls area who lost one of his children as a result of a flying saucer accident. It ended up hitting a tree and killed the child.

He has attempted to get some type of action on this from both the federal and the provincial governments. To date, to the best of my knowledge, he has not been successful. I think a device like that should not be allowed to be sold because of the great hazard in its use.

I wanted to know if the minister has anything new to report as far as the children's flying saucers are concerned.

Hon. Mr. Grossman: I am shocked by that sort of thing going on. I would hope all of us can play a bit of a role in cautioning parents against ever buying one unsafe product that is in the marketplace. It has been, I think still is, something that properly lies within the jurisdiction of the federal government under product safety. Right now the Ontario Law Reform Commission is studying the whole subject of product liability, and I think the case you mentioned would fall under that category.

There is currently an intergovernmental task force in existence to deal with the whole area of unsafe products, especially children's products, and toys, I think, are on the agenda for March. Yes, in March there is a meeting of federal and provincial consumer ministers and at that time the matter will be discussed further.

I should take this opportunity to state also that one of the things we're very concerned about is, if not overlapping of jurisdiction which does occur in very many instances, at least some confusion about who is going to do what and who should do what. That will also be discussed at the conference in March.

In any case, I believe the Law Reform Commission will ultimately be recommending some specific action in this area. I can report that because my ministry has had, in fact, some direct conversations and meetings with Law Reform Commission to deal with that subject. In the meantime, I think I ought to reaffirm my ministry's availability to help disseminate any information you or any other member may have with regard to any potentially unsafe products.

Mr. B. Newman: I hope, Mr. Minister, that your officials and the federal officials don't dilly-dally on this item. We have one definite case where an individual was killed, and we don't know how many hundreds of others may have been injured. We should force it off the market and that's all.

There is a similar device, the sled, but at least you can guide that sled. The amount of plastic involved in the sled is approximately the same as the flying saucer, but at least you know, or you think you know, it's going to go in the direction in which you want it to go.

The other item I wanted to raise with you, Mr. Minister, is the problem of super-market carts. It's a real problem in the United States. The public is being confronted with all kinds of accidents and injuries as a result of the design of the cart and as a result, I would probably say, of reckless driving on the part of the housewife who is manipulating that cart up and down the aisles.

Hon. Mr. Grossman: Don't be sexist.

Mr. Warner: Reckless driving; they should have a licence.

Mr. Blundy: Yes, running over the toes of other customers.

Mr. Foulds: Motorized or unmotorized?

Hon. Mr. Grossman: The shopper or the cart?

Mr. Foulds: The cart.

Mr. Warner: Carts should have turn signals.

Hon. Mr. Grossman: I want to say that to the best of my information housewives are no worse operators of carts than—

Mr. Foulds: Than house-husbands.

Hon. Mr. Grossman: I didn't know what word to use—than their husbands, common

law or otherwise; we've covered everyone now.

Mr. Foulds: Or singles.

Hon. Mr. Grossman: That's true. Before we leave, what do you call those devices?

Mr. B. Newman: Flying saucers.

Hon. Mr. Grossman: Flying saucers, yes. I wanted to make clear I believe the federal government now has the power to either directly order unsafe products off the market or exercise some very powerful arm-twisting to get products off the market. I know they're doing this with toys all the time, where they're testing products such as children's toys for safety and are getting them off the market. Offhand, I can't tell you whether that's a direct power they have or a power they exercise; but that's where it's at, they have that power right now.

I would be happy to forward the information you give us to the federal government for their attention. I'm sure they would assess it before they're put out of existence, I guess I should add.

Finally, with regard to the carts; what can I tell you? It's something I haven't heard before. If you have any advice I'll tell my wife, who takes each of my kids in turn shopping on Thursdays. If she's driving carelessly I sure want to know.

Mr. B. Newman: Mr. Minister, I can make one suggestion. Spread the wheels out farther, because once you load that cart it becomes topheavy and it tilts very easily. The reason I bring this to your attention is that in the United States in the last year there were 12,500 injuries directly involved with the carts.

[4:00]

Anything that happens over there eventually comes to the fore here, and if we can come along and stop it, or minimize it, I certainly think we should do the thing. I don't know what the answer to the problem is, but I thought I'd bring that to the minister's attention, because there can be some better design of the cart, the use of some type of bumper device or something of that sort.

Another thing I wanted to raise with the minister is some of these games that are on sale today that sell violence. There is the game called the death race game. The city council of Windsor was so concerned that it even endorsed a resolution asking that sale be banned in the province. If I'm not mistaken, the resolution originated with the council of the city of Owen Sound and it has been endorsed by many other municipalities.

The whole purpose of the game is to see

how many individuals you can kill in the course of playing the game. Surely, we've got a better way of entertaining our youth today, and our grownups, than using that type of a sadistic approach in the sale of entertaining items, so the council of Owen Sound asked that that game be specifically banned and this was endorsed by the council of the city of Windsor.

I don't know if the minister could do a thing like that, it may be federal legislation; but the resolution was passed by the city and it was sent on, if I'm not mistaken, to the Provincial-Municipal Liaison Committee for endorsement. Whether it did get there or not, and whether it was endorsed or not I don't know; but have the minister's officials heard of that, and if they have what action could we take to resolve that problem?

Hon. Mr. Grossman: My officials claim to have some recollection of the game, not that they've played it.

Mr. Davison: Are they the testing division?

Hon. Mr. Grossman: It causes me to wonder whether people won't put out another game called Minority Government and ban it as a dangerous game.

Mr. Warner: Or revolving cabinet chairs.

Hon. Mr. Grossman: I might say about the carts, perhaps we might have hockey helmets mandatory for the kids, and seatbelts.

Mr. B. Newman: And shin-guards.

Hon. Mr. Grossman: And shin-guards, yes.

I also should say that it's a classic instance where retailers and people who design these games are just encouraging more and more activity by government in some of these areas. They just show absolutely no ability to use some common sense and good judgement in the games that they put out. You are right, they're selling violence.

I have two boys and each of them got some sort of damned big robot for the holidays, for Hanukkah, and believe it or not each of these items shoots different missiles. One of them shoots stars and the other actually shoots something that looks like a bullet. It shoots it across the room, and if you raise the robot's arm it will shoot it up in your eye or some other delightful places. In any case, the robots were back in the boxes 10 minutes after they arrived and I had two crying kids. I just found that horrendous; and death race, I'm sure, is the same type of thing. I would join you in telling the manufacturers and distributors that they are only inviting more and more attention by legislators if they continue to market these sorts of things.

Mr. Warner: The robots were probably sent to you by an opposition member.

Hon. Mr. Grossman: I might bring one into the House.

Mr. Warner: They are trying to encourage your kids to get rid of you.

Mr. B. Newman: May I ask what an individual does when he cannot get satisfaction with the car that he purchases from one of the dealers in a community; or when he attempts to get satisfaction from the industry itself and seems to be pushed off all the time? Should he be approaching this ministry to get satisfaction?

Hon. Mr. Grossman: Yes, both through our business practices division on occasion, depending on what exactly has happened in terms of what he has been told the car is and should be and so on; and as well under the Motor Vehicle Dealers Act. It may well be appropriate for that branch of my ministry to have a chat with the motor vehicle dealer involved.

I'm informed that last year that branch of my ministry achieved restitution or rescission for purchasers of motor vehicles to the tune of about \$300,000. So do write and do call.

Mr. Deputy Chairman: May I remind the members of the House we have spent a considerable time on this one item and that there has been some agreement to wind up the estimates of this ministry at 6 o'clock. There are many more votes to go. I don't want to restrict any member, but please keep that in mind as you talk.

Mr. Ziemba: I have a beef with the Better Business Bureau. Two of my constituents, Mr. and Mrs. Koshurba, went to the Home Show last year and were impressed with a model kitchen display. They put in their name for a visit by the operator of the booth. In time he did come out and quoted them a price for renovating their kitchen, somewhere in the neighbourhood of \$3,000. Before they would give him any deposit, they checked with the Better Business Bureau and were informed that the firm in question, Supreme Kitchens, had a clean bill of health, a clean record. There had been one small complaint lodged against Supreme Kitchens by a little old lady, but it had been cleared up. So my constituents were very confident they could deal with Supreme Kitchens.

The owner of Supreme Kitchens came back on a subsequent visit. They gave him a small deposit and contracted for the work. He put them off for a month or two, then came back and asked for a bit more money. He said he needed more money for materials. He ended up in getting, in total \$1,200 by

way of deposit. To assure them he would do a proper job, he recommended they check out another renovation in the area. They went out and visited the home in question and found that the job had been first rate and the people were quite pleased with the way the work was done. They had every confidence in Supreme Kitchens. They gave him the \$1,200. They borrowed it from the credit union at Canadian General Electric where Mr. Koshurba works.

To make a long story short, there was a lot of stalling and eventually Supreme Kitchens went bankrupt. I attended at the bankruptcy hearings and found there were a number of other complaints along the same line. People had given fairly large deposits, \$600 and \$1,000, and received nothing in return. There was very little by way of assets and the bankruptcy officers could come up with only a few pennies on the dollar for the 20 or 30 creditors who were in the room at the time.

The point I would like to make is that this outfit, Supreme Kitchens, was not so much in the business of renovating kitchens as it was in the business of collecting deposits. The Better Business Bureau, as far as I am concerned, was an accomplice to this activity because it cleared Supreme Kitchens. People have good faith in this outfit. The first thing that comes to their mind when they are about to contract with someone is to check with the Better Business Bureau. My constituents had every confidence in this man.

I would like to find out from the minister what he thinks of the Better Business Bureau. Perhaps it's time his ministry investigated the Better Business Bureau to find out what value it really has in protecting consumers.

Hon. Mr. Grossman: Before the member takes off at the Better Business Bureau, as if they were an accomplice, which they aren't, let's deal with what the Better Business Bureau is supposed to do. Before I do that, let me say clearly, if he hasn't read the estimates or studied the ministry, the Better Business Bureau is more than at arm's length from us. We may consult with them or exchange information from time to time, and encourage their activities, but they are not carrying on an unfair business practice nor are they an arm of this ministry for which I can or do or should report to the Assembly. I want to establish the arm's length relationship between us and the Better Business Bureau. I say that because every other company that's been referred to in these estimates has been

referred to because someone has a complaint about the way it carries on business.

The member's complaint today is simply that the Better Business Bureau could not provide enough information, or any more information than it was able to do, which is to report to the caller with regard to any complaints the Better Business Bureau had received. That's all the Better Business Bureau holds itself out as doing or offering.

I don't know the situation with Supreme Kitchens, but on the information the member has given me, the Better Business Bureau reported, I think, one claim. That was a factual report, I'm sure, with regard to the number of complaints the Better Business Bureau had received. I have a high regard for their integrity, and the decency and care with which they carry on business and deliver information.

They unflinchingly say to the caller, "We have X number of complaints." They don't hold themselves out as having conducted an investigation of the financial stability of the firm, nor do they suggest they went out and carefully inspected any particular installation made by that firm. They are there so that careful consumers can call and find out if other careful consumers have reported difficulties with a particular firm. That's what they hold themselves out as doing; that's exactly what they do. They never held out to the public nor the people the member talked of specifically that they would assure them of the financial stability of a company, nor comment on the financial stability of a company; nor endorse the work they had done in any particular case, unless a complaint had been received by them.

The member may have some comments with regard to the efficacy of the Better Business Bureau. I don't think they're terribly appropriate to this particular vote, but it's his decision as to whether he wants to talk about it. What I do want to say, specifically with regard to the Better Business Bureau is if the member wants to stand up in these estimates, outside the House or anywhere else and suggest the Better Business Bureau was an accomplice to a consumer fraud, a bankruptcy or whatever, then he'd better stand up with the facts and tell me in just what way the Better Business Bureau was an accomplice. The facts as he has given them to me, tell me the bureau did nothing but provide exactly the information they had on hand.

Before the member says they were an accomplice, he'd better stand up with some other details with regard to how, in fact, they were an accomplice. Did they give wrong

information? Did they fail to do what they said they would do? Did they mislead the caller? Did they participate in an active way?

I'm going to sit down now and hear any details the member may have of how they were an accomplice. By reporting the number of complaints they had received and nothing more, they were doing exactly what their mandate is to the public, and what they hold themselves out to be to the public. If he can stand up and give me some details of how they were an accomplice, that's fine. If he can't, then I suggest he stand up and withdraw the remark, in fairness to the Better Business Bureau.

Mr. Ziembra: I certainly won't withdraw the remark in regard to the Better Business Bureau, because in fact Mr. Koshurba is out \$1,200 he borrowed from the credit union, which he has to pay back, because he was misled by the Better Business Bureau. The very name, Better Business Bureau, suggests better business. What kind of business is it when all they're doing is listing the number of complaints? Why don't they call themselves a complaint registry bureau? That would be fair. When Mr. Koshurba phoned them, he believed they would give him an analysis, a profile of the company, a fair opinion on the company's financial standing. When I went to the bankruptcy hearings, I found that Supreme Kitchens hadn't paid their rent for the better part of a year; I found that their books had been two years behind the times.

Surely to God if the Better Business Bureau was at all interested in promoting better business, they would have investigated Supreme Kitchens and found that indeed this wasn't an outfit to be proud of as having just one little complaint from a little old lady. No, I won't apologize for what I said about the Better Business Bureau. In fact as far as I'm concerned they aren't the Better Business Bureau, they're apologists for any and all who want to use them.

Mr. Deputy Chairman: I would like to point out, both to the member for High Park-Swansea and the minister, that the Better Business Bureau is not an arm of government and we are not discussing the Better Business Bureau.

Mr. Ziembra: He shouldn't be defending them.

Mr. Deputy Chairman: Unless you can connect it up, I would like to terminate that discussion. The member for Sarnia.

[4:15]

Mr. Blundy: I want to just go back to a matter touched on earlier. I realize we have a great deal to cover, but this is of so much concern to me I want to express an opinion on it to the minister. The hon. member for Windsor-Walkerville (Mr. B. Newman) did draw to his attention gasoline outlets, gas station operators and so forth. I want to further express concern regarding the automatic car wash dealers, who I am sure the minister will recognize have made a very considerable capital investment in their equipment. They really think of themselves as being businessmen in the community, with their own businesses and with a great deal at stake in the community. But they no longer have control of their businesses because of the dictates of the providers of the gasoline.

I am not speaking of one company, I am speaking of several companies. From what I have understood from the automatic car wash operators, these companies obviously get together, because when they come around it doesn't make any difference whether it is Gulf, Sunoco, Shell or Imperial, they are told not only exactly how much they can charge but how much they can make on the gasoline they sell. It seems to be a situation where people have gotten together to do this.

You were talking about a franchise Act. I would like the minister to really take into consideration the concern being expressed by the automatic car wash operators. In my opinion some of them are on the verge of being put out of business. I think in this province a man who is in business and has a very considerable investment should be able to charge what he wants.

I am told by at least one car wash dealer he is not able to do that. I wonder if the minister has any further information on that particular line of business?

Hon. Mr. Grossman: I believe, at the start anyway, you were discussing the problem within the confines of our proposed franchising legislation. The price of gasoline and the attempts by the petroleum dealers and the petroleum industry to control the end price of gas, I believe, is not properly within the jurisdiction of franchise legislation. The whole matter of the price of gas and petroleum products more properly lies with the federal government and the provincial government through. I think, the Ministry of Energy, which plays a role in the pricing of gas and so on. While it is something I think we ought to be looking at and addressing when we look at the franchise legislation, I wouldn't want to mislead the

member in any way by suggesting it is something we will be able to control in franchising legislation, I would doubt that it is. If in fact there is a true price fixing operation going on—and I don't suggest there is or isn't—then it seems to me it would probably be a combines matter for the federal government.

With regard to some of the other aspects of petroleum franchises, my ministry in the last year did succeed in developing guidelines for the entire industry for the province by bringing together the petroleum industry and the franchisees. They worked out a pretty decently acceptable code of behaviour, which essentially called for fair play. It sets out factors with regard to disclosure surrounding the terms of the lease, and deals with the rent that can be charged. It generally has met with pretty wide approval and has substantially improved the relations between the franchisors and franchisees in the area. It has practically eliminated any complaints.

You will recall prior to a year or so ago there were a heck of a lot of complaints with regard to early termination of leases and so on. That has been rectified somewhat by these voluntary guidelines. They seem to be working well so far.

Mr. Blundy: Mr. Chairman, just to straighten out one observation. The people I am talking about are really not franchisees. These are people who own their own business, their own property and their own equipment, which is of a very sizable amount. In my opinion, the operation of their business is really being dictated by the providers of their products. Yet they are really independent businessmen who are not able to act independently.

Hon. Mr. Grossman: I don't deny the legitimacy of the point. I can't, in honesty, tell you that I know how to deal with the problem. Of course the most serious problem is the one to which the member refers, that is where the fellow is not a franchisee. He owns this property, although in a sense he is enfranchised to sell the gasoline of a certain company. The relationship between the company and the person they are wholesaling the gas to for purposes of a retail sale would be the subject of the usual rules and laws against unfair trade practice. For example, has the retailer been misled with regard to where the price is going to go; that is his freedom or otherwise to adjust the retail price? So that aspect of the relationship is always subject to fair business prac-

tices. Again I'll be looking into that, that's an interesting twist.

Mr. Davison: I wonder if I could raise three or four brief points before we move on from this vote, Mr. Chairman. The first two have to do with the real estate sector of the business practices division.

I wonder if the minister can explain to me, because I am having some trouble understanding it, the whole situation with regard to the Manitoba realtors in northern Ontario coming across the border and getting involved in transactions in northern Ontario? This eventually led to complaints from the member in the area, Mr. Bernier, to your ministry, and Mr. Cox of your ministry telling Mr. Bernier and other people that while this was a terrible activity, there was really nothing you could do in your ministry. It was not really illegal in Ontario for this to happen, or it was illegal but you just couldn't get a handle on it and you couldn't do anything to control it.

Finally, you had to write to the registrar in Manitoba, who was nice enough to threaten real estate agents and brokers in Manitoba with dire consequences if they continued with the raiding. I understand to some extent that is now cut down.

I don't understand the inability of your ministry to deal with the situation. If there was some inability, was there not some kind of legislation you could have brought in that would have allowed you to get control of the situation?

While you are thinking about that, I have another question about real estate and you can perhaps deal with them both at once.

Hon. Mr. Grossman: In fairness, it's a complex matter. In fact it was something that I dealt with myself in my office at some length, and I don't have the material with me. If you want an answer, if you would just hold on my staff and I will try and reconstruct our recollection of the transaction and the discussion in my office. It involved some implications for our own brokers registered in Ontario who might be affected by some response that Manitoba might have to any action that we took. I want to get it precisely right for the member, so if he will just bear with me for a minute while I try and refresh my own memory with regard to our discussions it would be appreciated. Okay. We have refreshed our memories with regard to what happened. It was, I think, a couple of months ago that we had everyone in our office. The situation is essentially that it's occurring on both sides of the border. It is a two-way street, but

weighted against us in the sense that Manitoba agents are putting up signs in Ontario. Technically that may be defined as not trading in real estate in Ontario, but it also may be.

At the same time there is no question but that there are ads being placed in Ontario newspapers, for example, for properties in Manitoba. At the same time there are ads being placed in Manitoba by Manitoba real estate agents for Ontario properties. By far the majority of the property which is a subject of extra-provincial agents is in Ontario however.

As a result of some of these difficulties, we arranged for our people to go up there. They were up there as recently as two weeks ago studying the practices being carried on there and just who is doing what, and whether it is tantamount to trading in real estate in Ontario by unregistered agents or brokers. We are looking into it right now. There are people up there as a result of these discussions.

Mr. Davison: I do not want to dwell on this. I understand it is very complex and we could get into a very long and detailed discussion. It is my understanding that in August of this year the registrar in Manitoba was issuing warnings to Manitoba real estate agents. I take it that really had a minimal effect and the problem is still as serious as a problem on our other provincial border, it was earlier this year. I wonder, is it also with the province of Quebec? Has the same situation developed along the Quebec border?

Hon. Mr. Grossman: I should point out with regard to the action taken by the Manitoba registrar that that action was taken as a result of our initiatives. That is, my ministry made the necessary contacts, discussed the matter with the Manitoba registrar and he was acting as a result of our concern over the practice.

The answer to your second question is no, to our knowledge there is not an equivalent situation on the Quebec border.

Mr. Davison: I am sure you will endeavour to keep us informed of any developments, and I understand that you are making a very serious effort to do what you can.

Hon. Mr. Grossman: We always keep you informed, you know that.

Mr. Davison: That is right; sometimes overly informed, but rarely.

While we are on the subject of real estate, the Ontario Real Estate Association is complaining about activities of the government

when they step into the field of real estate. The legislation committee of the association is apparently currently investigating reports by several of their members regarding certain property acquisitions by the government and its agencies that appear on the surface at least to have been carried out in an extremely heavy-handed manner.

North Pickering aside, is this a problem that has come to your attention through the association? And if so, is there anything at all your ministry could do about it? Have you made your own inquiries; or do you feel that you have no capacity in which you could look into this situation?

Hon. Mr. Grossman: No, it's not properly the subject matter of the business practices division of the ministry. We register real estate agents and brokers on the basis of their integrity and honesty and so on. We would not ordinarily get into that sort of thing. You may want to take that up with the Minister of Housing (Mr. Rhodes), in the case of North Pickering; or with your friendly Ombudsman, I suppose; or perhaps the Minister of Government Services (Mr. McCague); but we have not only no authority in those areas, we have not been in receipt of any complaints, either from the public or the OREA.

[4:30]

Mr. Davison: I said aside from North Pickering, because the commission's still out on that one, if we could say that.

Hon. Mr. Grossman: It's still out?

Mr. Davison: Right. I wonder, from the comments of the association, if indeed the government could match the regulations that private real estate agents and brokers have to match. I suspect we'll wait for an answer.

In regards to business practices, beginning to bother me considerably is the question of warranties in cases where a product is purchased as a gift for another person. For example, if I go out and buy a colour television for myself, there's a warranty in place. I can have recourse in case of a problem. However, if I go out and buy a colour television and give it to you, Mr. Minister, as a gift, and you didn't return it—

Hon. Mr. Grossman: Let's try it.

Mr. Davison: —or perhaps I could buy you two little robots that throw stars and imitation bullets, and you managed to have problems with the article and the article would no longer function, then in most cases the warranty would be totally worthless. You would be stuck with this toy robot or colour television that didn't function, but you

couldn't get any repairs done under the warranty.

I'm wondering if that's of concern to your ministry. I realize it doesn't happen with every warranty, but it happens with most of them. Is there something you can do about that, because it's not really a problem addressed by the Business Practices Act? It's just something that's simply not being done. Could you possibly step in here with legislation?

Hon. Mr. Grossman: Yes, very likely. The draft bill my predecessor had for first reading in the last Parliament would have dealt with, and did deal with, the gift situation. Indeed, when I stand before you with a new product warranties Act, which I hope is in the not-too-distant future—I'll be here, I hope you're still here, sort of—I can assure you we won't be dropping that section of the legislation. It does concern us. We're continuing to deal with that problem. I think it's easily solved, as exhibited by the bill introduced last session.

Mr. Davison: My goodness; if I could spend \$59,000 on each of my election campaigns I would be here forever.

Hon. Mr. Grossman: You'd win by more than nine votes.

Mr. Davison: Finally, before we leave this, there's been a lot of criticism of your ministry in a very general vein. I noticed the other day comments arising out of the Beven Building Products case where Judge Killen said that Ontario legislation, including the Consumer Protection Act, falls far short of the mark in protecting the public from the kinds of selling tactics that were involved in that case. There were charges brought by Professor Belobaba of Osgoode Hall. There are examples of surveys. Here's one where a number of lawyers and judges were asked if they had ever heard of the Business Practices Act, and the vast majority answered in the negative.

I'm aware a lot of that is unfair criticism, because I really haven't dug into the ministry. They're not really aware of the statistics. I notice from your briefing book the following statistics. Could you tell me if I'm misinterpreting them? The way I read it, under the Consumer Protection Act in 1976, you received, classified and closed 6,095 complaints. However, arising out of those 6,095 complaints, there were only two prosecutions under the Act. So out of over 6,000 cases closed, there were two prosecutions.

In the Motor Vehicles Act, 2,713 complaints were closed; and there were 45 prosecutions. In the Pyramid Sales Act, there

were 29 complaints and no prosecutions. In the Real Estate and Business Brokers Act, 575 complaints were closed with two prosecutions; the Travel Industry Act, 276 complaints, four prosecutions.

I don't know how we can get into a situation if my interpretation of these statistics is correct, where consumers seek recourse under the Consumer Protection Act and only two cases of 695 have actually been wrong and were prosecuted. If my interpretation of those statistics is not unfair, then I wonder, when we get down to the specifics, if some of those general criticisms may well be appropriate and that your ministry isn't really living up to the commitment it's making to consumers.

Hon. Mr. Grossman: Yes, I think you'll find that even in the jurisdictions which have a reputation, justified or otherwise, for a lot of prosecutions and high profile activity, the number of prosecutions, using the same comparison you've used, is relatively low. Ours is not terribly out of line, although it is lower than, for example, BC's would be. Nonetheless, I don't think you'll find BC's to be an enormously high figure.

The reason is most jurisdictions, including our own, concentrate on, as I've said before, immediate action, stopping the practice in the marketplace, issuing cease-and-desist orders for appropriate cases; getting the people in and effecting restitution—all of which is often done by way of a couple of phone calls and maybe a meeting in the office. The number of prosecutions launched and completed, successfully or otherwise, just is not a true measure in most cases of the effectiveness of the operation.

We admittedly don't have a terribly large staff and we just don't think they're well mobilized to take on someone who for example, was carrying on a boiler-room operation for a charity. They're not terribly well mobilized if, after issuing a cease-and-desist order, informing the public and getting the appropriate money back, thereby putting these people out of business, we then institute appropriate court action, spending hours and days, including perhaps a couple of days at a hearing in court, to effect a \$200 fine or whatever. In most cases, this happens a year or year and a half after the people have been driven out of the business anyway and have stopped cheating consumers, because we have acted immediately, within hours or days of the initial complaint.

The course of action we're following is the one that provides the most consumer protection in terms of the number of cases we can handle successfully. We would, of course, follow the practice of prosecuting, as a deter-

rent, those person who commit the most heinous types of activities; for example, those who just disregard a cease-and-desist order. Those who have set up such an obvious pre-conceived pattern to steal from the public are the ones we think it would be worthwhile making an example of, to use as a deterrent, and actually take the time and effort to prosecute. But there's no question that our front line of defence and protection for the consumer is restitution and stopping the unfair practice.

If you'll recall, one of the problems we have under the current legislation is that most courts of law will not grant restitution. Our best shot at achieving restitution for a consumer is to get the guy in and invite him to make restitution to the consumer. If that businessman or whatever says, "Forget it; charge me, I'm not going to make restitution," we exercise our only remedy, which is to lay a charge. You end up in court, the court fines him \$200 or \$400 and there is still no restitution. The point at which we can effect restitution is early on.

A more appropriate statistic, in terms of what we are accomplishing, would be the number of calls of consumer complaints we handle. We received 272,000 phone calls in the division last year. About 150,000 of those phone calls related to inquiries, complaints and investigations that are under way. The rest related to registration, status of registration and so on. That's a pretty high figure.

We handled 13,500 complaints—I think that's the figure the member gave me—did 2,400 inspections; opened 140 investigations; held 235 informal disciplinary meetings, and so on. The member will recall me pointing out what I thought to be some difficulty in letting consumers—in some cases those who most need our facilities—know just what remedies they have without us and what remedies lie within our ministry. We are addressing that difficulty. However, when we get 272,000 phone calls, it means a lot of people know we exist and are using our services. I would urge the members not to put a terrible amount of emphasis on the number of prosecutions, which in most cases are the least effective alternatives available to any consumer protection agency.

Mr. Warner: Do you say we still get ripped off?

Mr. Davison: We are probably going to be dealing with this at a later time; this is really where it's at as far as your ministry is concerned. In terms of what you are doing in consumer protection, this is where you stand or fall. I just can't see the statistics

justifying the comments that your ministry is doing the job it should be doing, that it is doing a fine job or even that it is doing an adequate or mediocre job.

Before we move on to the other votes, if you want to talk about statistics, you talk about restitution being a front line. What have you brought back to consumers in terms of redress by the various Acts you administer? Doing a rough calculation of the Consumer Protection Act, the Mortgage Brokers Act, the Motor Vehicle Dealers Act, the Pyramidic Sales Act, the Real Estate and Business Brokers Act, and the Travel Industry Act, it's something like \$1 million. That's what you have accomplished in terms of restitution to consumers.

Frankly, I am not impressed by the other statistics, such as 55 investigations under the Business Practices Act or four investigations under the Consumer Protection Act—you get more than 6,000 complaints, and you conduct four investigations. I don't think those statistics indicate you are doing a fine job.

As a last word, I appreciate the minister having an understanding of his legislation and the way the courts feel about the legislation, but, frankly, the minister's job isn't to come to us in estimates and say the problem might be the legislation. Don't come to us and say the legislation you have isn't quite good enough, because you over there have been in government for ever. You are the people who brought the legislation in. If you think the legislation is inadequate, and apparently it is, bring in new legislation.

We are very helpful people over here. We are very reasonable.

Mr. Warner: Put up or resign.

Mr. Davison: If you bring in good legislation, my colleague from Scarborough-Ellesmere (Mr. Warner) won't ask you to resign, and you will get support from this side of the House.

Hon. Mr. Grossman: Oh, yes he will.

Mr. Davison: So don't complain in estimates about legislation. Simply bring in the legislation and we will pass it.

Hon. Mr. Grossman: You're joking on the last count. You may say this is where we stand or fall on the basis of the statistics we give, but I have a different measure. If we were enormously successful in our consumer education programs, in our registration programs, in educating business and so on, we would in fact have very few consumer complaints and the figures I give you next year would be substantially lower.

[4.45]

Whatever I produce in the way of figures, you are going to say I am not doing the job, when the low figures may reflect that we are doing our job in a preventive way. So you will always be able to say that; you can relax. You'll always be able to say, so long as you're here, that the figures aren't impressive enough. That's why we aren't unnecessarily hung up on figures on this side. We expend a great deal of effort in advertising, in our public seminars and indeed in our consumer information centre which will be opening next month.

The consumer information centre is an investment in manpower and dollars made by this ministry to reduce the number of complaints, the amount of time we have to spend, and the figures we give you next year, because we hope we'll inform people how to protect themselves and how to be good consumers so they won't be calling us. All the other steps we take, whether it's the Travel Industry Act or whatever, go a long way towards stopping industry and bad businessmen from ripping off the public initially, so they never get to the business practices division of the ministry.

However, if you do want to talk about the figures, I want to say that \$1 million of restitution is a pretty meaningful figure. It means the consumers of this province have \$1 million back in their pockets that they likely wouldn't have had but for the intervention of our ministry.

Mr. Davison: Remember when we talked about Allstate? One company—\$15 million?

Hon. Mr. Grossman: I'm not going to engage in a filibuster. I just don't hear the figures talked about from other jurisdictions in terms of the amount of restitution we effected. I think \$1 million is a pretty good figure.

Mr. Warner: Get \$1 million back and you will spend it.

Hon. Mr. Grossman: Oh well, then I will.

In any case, I would just comment about the figures. The member talks about 6,000 phone calls or 6,000 complaints. Don't forget, a lot of complaints may be about one business. So that 6,000 complaints doesn't mean there are 6,000 bad operators out there. It could be a substantially lower figure. In any case, having said that and told him what a great job we're doing, which we are, I want to assure the member that next year we'll be back here telling him we did a better job in 1978.

Mr. Warner: The Ombudsman is going to investigate you.

Hon. Mr. Grossman: And the hon. member will still be calling on me to resign. He'll

still be calling for better legislation, in spite of the fact that we may have better legislation next year.

Mr. Warner: We will send you another robot.

Hon. Mr. Grossman: I wish you would—aluminum-wired.

Mr. Deputy Chairman: Order, please.

Mr. Riddell: I wonder if the minister could explain to me the rather drastic change in the pricing policies of the oil companies from the standpoint of the fuel delivered to the farmers' tanks, whether they be 500- or 1,000-gallon tanks.

As the minister realizes, until recently farmers were able to purchase gasoline at less money than they could buy it at the gas pumps. Now they can buy gas at the gas pumps cheaper than the distributor can obtain it. As a result, the farmers now are paying anywhere between eight and 12 cents a gallon more for the gasoline delivered to their tanks than they do for gas purchased at the pumps.

They would far sooner go to the gas pumps in order to purchase their gas, but it's very hard to dig a 500- or 1,000-gallon tank out of the ground, load it on to a wagon, go to the gas bar, fill it up with gas and bring it back home and put it back in the ground again. What has brought about this change in business practice on the part of the oil companies whereby farmers now are paying anywhere between eight and 12 cents a gallon more for gas which they must use in their tractors and other self-propelled vehicles in order to produce food? Could the minister provide me with that answer because I'm getting calls all the time from farmers and distributors such as the co-ops around Ontario, asking if the oil companies are indeed trying to put them out of business.

The farmers who like to deal with their local co-ops now cannot buy gas from them as cheaply as they can get it from the nearest gas station or pump in the local town. They're pretty confused and disillusioned and they're wondering what is going on. Could the minister give us an answer to that problem?

Hon. Mr. Grossman: I can't give you an answer to the problem off the top of my head. I presume part of it is the function of the marketplace, that there has been some decision taken either on the basis of true costs or simply to gain a competitive position.

In any case, if there is an unfair business practice that you are aware of, then that properly would be something my business practices division could look into. If there

is a combine—dare I say a cartel?—put together to boost prices, in view of the fact someone may have suddenly said, "Since they can't dig it out of the ground and go to the local service station, they are going to have to pay our price; so we'll all move it up together," then that would be a federal offence and should be referred there. However, there are direct implications for the consumer. Since there is a sudden differential there and the petroleum industry probably does not fall within this jurisdiction, I can't give you a complete answer. It is something about which I will consult my colleague, the Minister of Energy (Mr. J. A. Taylor), and perhaps I will be able to report back to you further.

Mr. Riddell: I would appreciate your looking into it.

Mr. Warner: That'll be the day.

Mr. Riddell: I have contacted the Minister of Energy about the matter and he says it's the additional cost of distributing that gas into the country. From the size of some of these farm operations now and the amount of gas they take, I would venture to say they could pretty nearly handle a truckload of gasoline. Really there is not much more cost in distributing it to a gas station in town than to take it right out to the farmer's place and dump it into his tank. I don't buy this business of it being an additional cost of distribution to the farmers, because they are buying a lot of gas, probably just as much volume as some gas stations are. If you would look into that matter, I would appreciate it.

Hon. Mr. Grossman: Yes, I will look into it. In fairness, I can't promise you that my ministry is equipped to or ought to undertake a thorough investigation of that any more than we would appoint a select committee on coffee to go to Brazil. There are some questions I would immediately ask. For example, I presume there are several companies carrying on the practice. Have competitive bids been looked for from the various companies that are trucking it out there? Our friends to your left wouldn't believe this, but usually there is some company around in the free market system that will say, "Hey, I wouldn't mind cornering the market here. I will drop my price." If that isn't occurring and if they have moved it up in cartel-like fashion, then the violation is very clear.

Mr. Warner: That is exactly what is going on and you know it. The farmer is being ripped off.

Hon. Mr. Grossman: It is a matter that can be taken up with the combines people. It's

got to be one or the other. If they are really competing out there—

Mr. Makarchuk: Do you really believe the oil companies are competing?

Mr. Warner: That will be the day when you confront them.

Mr. Makarchuk: You obviously believe in Santa Claus.

Hon. Mr. Grossman:—someone will drop his price, if there is a concerted effort by your people to look for bids and an effort is made to take advantage of marketplace competition.

Mr. Warner: You will hit them with one of your patented wet noodles.

Hon. Mr. Grossman: The alternative is that there is no marketplace competition, in which case there would be a cartel going on. In any event, I will do what I can to provide you with some more information so that you can help me get to the bottom of it. If it turns out there is something we can do, I'd be happy to do that.

Items 6 and 7 agreed to.

Vote 1403, items 1 and 2, agreed to.

On vote 1403, item 3, pressure vessels:

Mr. Williams: I would like to spend a moment if I could, on the Boilers and Pressure Vessels Act which in itself is not a very colourful, high-profile piece of legislation that is of a high-priority nature in the public's mind, but which is one, nevertheless, that pertains to a very substantial industry in our province. It pertains to a large number of manufacturing concerns whose sole source of production and livelihood is based on the production of either boilers or pressure vessels. The very nature of their product is such that we have to have legislation in place that ensures to the consumers of this type of manufactured commodity that they are indeed produced in a fashion in which without question they have a high safety factor associated with the product. And this is what the Act is all about. But I think there has been some concern expressed with regard to the extent to which the government continues to be the body responsible for the continuing supervision and maintenance of the high standards of production and operation of these types of vessels.

There are two areas of concern. One, of course, is the area of inspection of boilers and pressure vessels already purchased or installed and in operation in many manufacturing and commercial concerns located in all the cities and towns throughout our province. You have, as I understand it, annual inspections going on at all times by inspectors in

your technical standards branch to ensure these vessels continue to meet the high operating standards required under the Act.

The other area of concern is the actual fabrication or manufacture of boilers and pressure vessels which I understand is an industry that involves 200 or 300 firms in various locations throughout the province and employing great numbers of people. I am not aware of any exception to the requirements under the Act that all of these manufacturers and fabricators of boilers and pressure vessels must have their products inspected and approved before they go out to the purchaser.

I believe that most, if not all, of our sister provinces have similar legislation and similar requirements with regard to inspection and safety standards. The question of particular concern to me is whether there is some intention to have the ministry's technical standards branch lower its sights in terms of the high degree of supervision it has carried out over the years under the provisions of the Boilers and Pressure Vessels Act.

I am perhaps most particularly concerned, as I said earlier, in the area of manufacture rather than in the area of operation and maintenance of units that have already been manufactured and sold. It is my understanding that a large percentage of the boilers and pressure vessels manufactured in this province go into our export industry. There are many neighbouring provinces and states of the United States and other countries that purchase the boilers and pressure vessels made in this province because we have a good reputation—both the manufacturers and this government for its highly proficient inspection program. Because of those two collective things we have a very good reputation for the manufacture of high-quality boilers and pressure vessels. As a consequence of this, it is my understanding there is a large export content to the manufacture of these items.

It seems to me that if, through reasons of economy or for whatever other reasons, it was to be considered that the supervisory and inspection role of the government perhaps should be withdrawn from this area, it might place the ability of the manufacturers to export their products in jeopardy. I would think this would be of considerable concern to yourself and your ministry, particularly if other jurisdictions find their sales boosted largely because they have government stamps of approval on their products, as do manufactured boilers and pressure vessels in this province.

[5:00]

In the area of export, we would lose a large measure of control over the export market if we were not able to compete with countries which maintain and provide certification under reciprocal arrangements with neighbouring provinces or states. If there is substance to this concern that there might be some intention, for economy reasons or otherwise, to lower our sights and our standards, particularly in the area of export of these manufactured goods, then it's something on which we should have comment and explanation.

This is a matter that has been given consideration by previous ministers, and I'm sure it's one that is under constant review by your ministry and now by yourself as the new minister. Perhaps you could provide me with some pertinent information dealing with these concerns.

Mr. Reed: Not saved by the clock.

Hon. Mr. Grossman: This is a matter raised earlier by the member for Huron-Middlesex (Mr. Riddell) and his colleague, the member for Sarnia (Mr. Blundy), but I know all members of the assembly would have been aware of the activities in my ministry.

There's no question that since I came on board I have encouraged a review of the situation. It first started under one of my predecessors, Mr. Clement, who from about 1972 or 1973 until about 1975 investigated the implications of having the government get out of the day-to-day inspection and certification of pressure vessels, and the other responsibilities referred to by the member for Oriole (Mr. Williams). A decision ultimately was taken not to proceed with that at that time.

I have not made a decision to privatize the operation. What I have done is take a positive step to look into the whole situation once again. It's incumbent on us to begin to review every aspect of the operation of my ministry, to see if there's something that perhaps can be done just as well or better outside of government, without adversely affecting the public it's protecting or the industry involved. It will obviously save taxpayers a lot of money if we can do that. If we can accomplish those goals without excluding any of the ones I've mentioned, then I think it's incumbent on us to investigate it and do it, if we reach the conclusion that we can resolve all of those things satisfactorily.

We recognize the concerns of the industry and the problems of exporting and safety. We wouldn't be disappearing altogether in

any event. What we might do, for example, is revert to a supervisory role, supervising the activities that might be performed by the insurance company inspectors outside of our ministry. After all, we're talking about people with a certain amount of training, who would be doing the job whether they're employed by government or not. With their qualifications, one would think they would do as good a job outside as they would inside.

Provided we have proper supervisory authority, it's conceivable the same amount of protection would be provided to the people in Ontario. At the same time, it's quite conceivable we may be able to overcome the problems foreseen by industry in terms of the export markets, by educating them, together with the people to whom they're exporting, to let them know that the certificate—granted by whatever authority would be granting them at that time—would be as good as the certificate that was always in place from my ministry.

There are, of course, jurisdictions which do not have government inspections. We are going to look at the success those jurisdictions have in the export market.

Mr. Gaunt: They don't have very much success in the export market.

Hon. Mr. Grossman: If that's the case, we'll be finding that out and will be pleased to hear from the members opposite and from industry.

I want to assure industry, the public generally and the members of the assembly that this by no means is being done in a vacuum; it is by no means something being thought of in my office or in the ministry and being proceeded with without some thought. A decision has not been taken. We are simply conducting an inquiry and investigation to study the problem once again.

Our next meeting with industry will occur on December 16.

Mr. Gaunt: That's four days from now.

Hon. Mr. Grossman: Shortly, in any case. It will be on December 16 and our discussions will simply continue in that vein. It's not something that's about to happen next year or happen suddenly. Apparently, at the present time, we are in a sense subsidizing the whole operation. The taxpayers of the province are, and have been up until this time, subsidizing the whole operation. I'm happy to say, as reported by one of the members opposite last week—I think it was the member for Huron-Middlesex—the industry has acknowledged this by agreeing

to pay substantially more by way of inspection fees than it has up to this time.

That's the type of thing that only results when, from time to time, a ministry reviews the operations it's carrying on, studying them from a cost-recovery basis and pursuing the investigation to wherever it may end up. In the event we don't go ahead with privatization in any sense, at least we will have collected and saved a heck of a lot of money over the next few years for the taxpayers of this province. This is all in the context of there being rapid change going on in industry in the area, for example, of atomic and nuclear energy, which in the next few years is going to require substantial retraining, education and expertise among our people, our people who might end up working outside of government and the people fresh into the business outside of government.

There will be a major expenditure in the future to continue to upgrade the level of inspection we are able to provide and, indeed, the number of people we would have to provide if we were going to do the job efficiently. If we do stay in the business, we are going to upgrade the numbers of people who are doing it and their training. If we stay in the business, it's going to involve an increased expenditure and we're going to have to find out where the money is going to come from.

We will be hearing and inviting submissions and positions by members of the assembly and industry as we develop this over time. One of my predecessors, Mr. Clement, studied this matter for at least two years before he ultimately decided not to go ahead. That could be what happens in this circumstance. In any case, at least I will be able to report that we have succeeded in having the industry concerned underwrite all, or almost all, of the costs, which they aren't doing now; that will be a major accomplishment.

If the option is there, we might decide to go ahead; and if we do go ahead, it will only be because we have satisfied ourselves it will not affect the export market and it will not in any way deteriorate the amount of safety or protection we are providing for the residents of the province.

If all of those things can be satisfied, we might go ahead. If they can't, we won't go ahead. But I think we owe it to the taxpayers to review this. We are reviewing it and we will go on over the next really long period of time, not a short period of time; I guess in the fullness of time.

Mr. Williams: Mr. Minister, I draw your attention for comparative purposes to section 29(3) of the Act, which provides that:

"Where a boiler or pressure vessel is to be fabricated in the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors and may accept the inspection reports of such inspector for the purposes of this Act."

Mr. Minister, is the National Board of Boiler and Pressure Vessel Inspectors in the United States an agency of the government, a private agency, or a private agency commissioned by government? If it is an agency commissioned by the US federal government, is this the comparative type of agency arrangement you are talking about? Or is that part of a branch of a US government department? If it is a part of the US federal administration, and if we were to provide certification through private carriers rather than through comparable reciprocal arrangements of recognized and accredited government agencies or inspectors, it would be very hard for us to compete in that export market. Perhaps you could comment on that.

The other supplementary was: Of the number of inspectors we have, what percentage spend their time solely inspecting fabricated and manufactured boilers and pressure vessels, as contrasted to inspectors assigned solely for the purpose of operation and maintenance of units installed in various locations throughout the province? Could you indicate what percentage of our personnel is directed into the manufacturing end of the industry rather than in the user end of the industry? That might give some indication where the emphasis of our activity is and the relative importance that should be given to the manufacturing end versus the operating and maintenance end, where existing consumers are involved.

Hon. Mr. Grossman: In the interests of time, I don't want to get into an analysis of the National Board of Boiler and Pressure Vessel Inspectors, except to say it's a private agency. I don't just now want to get into whether we would be following the same pattern.

As for the figures requested by the member: with regard to vessels and fabrication, the total of inspections was 54,470; with regard to repairs, it was 1,900; installations, 2,800; periodics, 7,500. And 25 of our 38 inspectors are involved in shop inspections.

Mr. Williams: You say shop inspections? That's dealing with the fabrication and manufacture as contrasted to the other?

Hon. Mr. Grossman: Yes.

Mr. Riddell: Mr. Minister, the Stevenson and Kellogg report apparently was commissioned by one of your former colleagues in this portfolio. From what I can gather, this report was never released to the Legislature or to industry, and yet your former colleague indicated the industry would be given an opportunity to examine it. Again, from what I can gather, the report was never released to the industry concerned; so how does one expect they could have any input?

Could the minister indicate what was contained in that report? Did they think the program we have now, whereby the government is providing the service, is a good one? Or did they recommend the government should get out of this particular service? I think it's an excellent service, and I think the government should continue to provide the service, if not strengthen it.

[5:15]

It's not hard to understand the dilemma the industry is in because, as I have already indicated, Mr. Clement said the industry would be given a chance to examine the report. Then on June 3, 1975, the Deputy Minister of Consumer and Commercial Relations indicated: "It is the intention of the government to continue the boilers and pressure vessels branch and, as I indicated to you orally and in my previous letter, to increase the complement of the branch, supplemented with necessary funds, in order to ensure that the service would be maintained."

Here the deputy minister is saying, if anything, they're probably going to increase the service. Then at some time a report was commissioned. Here again, I'd like to know what was in that report. I trust they recommended that the government continue the excellent service, if not increase it and strengthen it. For some reason, some information has come from one of your ministry officials that the government is going to withdraw from this service. I understand, with the dilemma the industry is in, that some of the inspectors have left the government service.

I wonder if this is the case. I could talk at some length on this, but in the interest of time I'm not going to. We want to get these estimates completed. I know the minister has received a brief from the Canadian Boiler Society, giving some excellent information. They concluded by saying:

"Inspection by the government of Ontario gives assurance to the people of Ontario that locally manufactured fossil and nuclear boilers and pressure vessels meet acceptable safety standards. This inspection is also a selling point when negotiating in other provinces, the United States or offshore. It is reasonable

to expect that manufacturing opportunities will be lost to Ontario and go to provinces that support a recognized and accepted inspection agency."

I would gather that other provinces are carrying on this service. I would hope Ontario wouldn't get out of it and leave our manufacturers in a disadvantageous position. To carry on with the quote:

"Ontario Hydro has an enviable reputation in the successful operation of nuclear power plants, and this is the result of high-quality engineering, fabrication and construction overseen by the watchful eye of the province of Ontario and the Atomic Energy Control Board.

"In conclusion, given the considerations listed above, the Canadian Boiler Society requests the Ontario government, firstly, issue a clear declaration that it intends to continue the inspection during fabrication and related services of the pressure vessels branch, Ministry of Consumer and Commercial Relations."

I seriously hope the minister does give this consideration, that he recognizes that it is a good service and that he continues it.

"Secondly, bring the inspection staff up to strength and make sure that it is properly trained and qualified. Thirdly, determine an equitable fee schedule in co-operation with the industry." As we've already indicated, the manufacturers are prepared to pay substantially more in order to retain this service. I don't know what more you could ask here.

"Fourthly, release for public examination the Stevenson and Kellogg report referred to by Mr. Clement on May 17, 1973." I would like to see that report if it is at all possible.

"Fifthly, take any other steps necessary to restore the high esteem in which Ontario's inspection team and Ontario products were held before uncertainties precipitated by government action, starting in 1972, undermined those reputations."

Those were the conclusions reached by the Canadian Boiler Society in the brief which was presented to you as the minister or to one of your former colleagues.

I would like to reiterate at this time that I think it's a good service. I think you should continue it. I do hope you again look over the brief that was submitted, look over the Stevenson and Kellogg report and then come to the conclusion that you are going to retain the service, if not strengthen it.

Hon. Mr. Grossman: One of our concerns is that if we do retain it we're going to have to increase it over time. As I said, and I don't want to repeat myself, if we can do it for less cost to the taxpayer, with the same

amount of safety, without affecting the industry in terms of the exports—and they make some very good points—then I think we should do it. If we can't do that, then we won't do it. If we are going to adversely affect them, then we won't do it. We are being very careful in hearing from industry, and investigating slowly and carefully, to make sure we will not adversely affect anyone if we go ahead.

You might be interested to know that our complement has increased. In 1974-1975 it was 61, and in 1975-1976 it was 68; so, in fact we are continuing to beef up service and increase it.

I am glad to hear something complimentary. I am glad to hear we are providing an excellent service. We think we are. The key question for us is: Can the same level of excellence we have been maintaining be maintained outside of government with our supervisory role?

I have read the brief very carefully. I have heard what the previous deputy had to say, because you now have a new minister and a new deputy. I want to assure the members, in fairness, we are neither buying totally, nor rejecting totally, anything that happened before. We are just taking another go-round at it. We'll be very careful with it.

With regard to the report, I must tell you I haven't read it myself. I am going to get a copy of it. I have already asked for it. There is going to have to be a good reason why it hasn't been released or else I will see to it that it is released.

Mr. Gaunt: Mr. Chairman, I just want to take a minute to support my colleague from Huron-Middlesex (Mr. Riddell) and my friend from Oriole (Mr. Williams) in their representations with respect to this service. I think it is an excellent service. It should be continued, in my view. I feel if it isn't continued, it will be a serious blow to the industries in this province who are engaged in this kind of activity.

I think we have to bear in mind that almost 50 per cent of the product which is manufactured in the province is exported to other provinces or to other countries. That being the case, I think it is very important that we have an inspection service here which is dedicated, impartial and certainly competent. We have that in the inspection service within your ministry now. I think that is why the industry in this province has had the kind of success in the export market which it has enjoyed over the past number of years.

I certainly hope the minister doesn't scrap the service. He says there is going to be a

review, which is going to take some two years. I say to you I hope it doesn't take two years, because in the meantime it will create a lot of uncertainties in the industry. The industry won't be sure what is going to happen. Your inspection people won't be sure what is going to happen.

The sooner you can get this cleared out of the way, the better. I hope the minister can review it quickly and make a decision, hopefully in favour of maintaining the service, so we can get on with providing that kind of competent service to the industry in this province.

I think one of the reasons our industry in the province has enjoyed the kind of export market it has, is because the countries which buy the products certainly have a lot of confidence in our inspection service in the province and indeed in other provinces across Canada. I think that is one of the major factors in their decision to purchase in this country.

If we are talking about whether or not a private insurance company or a private company can do this as effectively, I can say to the minister, in my view, they certainly can't. I think an insurance company, as is sometimes done in the United States, can certainly do the inspection but it will be done at an inflated rate. I believe their rates down in the United States are running around \$400 to \$500 per inspection for new fabrication. That is really quite high and out of line. I think it would be a competitive disadvantage for our industry to have to pay that kind of tariff.

It's all right in my view for insurance companies or private agencies to get into the periodic inspection of existing installations but, as far as the inspection of new fabrications is concerned, I think the government should do that. They're set up to do it. They have done a good job up until this point and they should continue to do it.

Only one other province has expressed opposition to its own government carrying on this inspection service. We could, if we abandoned the service, get into a position where other provinces in which sales from Ontario are made would have to come in with their inspectors and inspect our product, which would be unnecessarily clumsy and bad management. For those reasons and many others, the ministry should carry on this service.

Hon. Mr. Grossman: Just quickly, I want to add that the member's remarks with regard to us looking into this and resolving it rather expeditiously are well taken. We will note those and do what we can.

Mr. Reed: I would like to bring up one subject area, Mr. Minister, which is presented to your ministry, I believe on an annual basis and has been for the last few years. I refer to the Antique and Steam Preservers' Association and its quest to keep old steam tractors in operation for purposes of demonstration at steam shows. There has been concern expressed by your ministry over what are commonly called lap-seam boilers, one of the early techniques used in the construction of boilers.

The case the Steam Preservers' Association has made to the ministry is simply that these boilers have submitted continually to the same kind of inspection procedures used on other pressure vessels, the hydrostatic test, they have passed them well and have been running at half the pressure, of which they are apparently capable.

I have seen cut-aways of some of these lap-seam boilers that have been wrecked and it would appear the place considered the greatest weakness on the boiler seems to be the strongest on the whole machine.

The ministry has called for the x-raying of these lap-seam boilers which is very costly and will require some kind of outside funding if the Steam Preservers' Association is going to be able to keep these machines operating. Whether this is of great significance to the economy of the province of Ontario or not, I do not know, but I believe it is of great significance to the heritage and culture of our province. Many farmers are steam buffs, it is their hobby.

In the town of Milton, in the centre of my riding, we have just had our 17th annual steam show, which I understand is the largest of its kind in the province of Ontario, having exhibitors from the United States and other provinces.

Under lobby pressure, the ministry has agreed to continue to allow the lap-seam boilers to operate on an annual basis but has not given any assurance whatsoever to these owners of lap-seam boilers. I wonder if the minister is in a position now to make some kind of concrete statement about the future of these boilers, since we feel it is quite important that the issue be cleared up once and for all.

I should reiterate that these machines are subjected to the standard testing. It is not as if they were subjected to something inferior. They undergo the hydrostatic test and the owners of the boilers are perfectly prepared that they should require the standard hydrostatic test.

Therefore, Mr. Minister, we wonder why they should also be required to submit to

other costly things to which newer pressure vessels do not have to submit.

[5:30]

Hon. Mr. Grossman: Without purporting to be an expert in this as well as all the other things, I want to tell you—

Mr. Reed: That's two of us. I'll admit that.

Hon. Mr. Grossman: —in simple terms, all of these units are 50 years old or more. There have been instances in which cracks developed. In as simple terms as possible, I say to the member, if he were in my position, would he be willing to say in essence, to the world attending all the small and large county fairs, "Yes, we think it's all right. We know there could be some cracks develop but Grossman's prepared to go on the hook to say we don't think, in spite of the known problem, you should have to undergo this special x-ray and so on?"

I can only tell you we've just finished a discussion of other parts of this vote where there has been pressure to keep our excellent service and look after the safety of the public even more. Now I'm really being asked, as the lobby succeeded in previous years, to—I don't want to use the word "compromise" but to accept a little lower standard. At least in the face of a known potential risk they're asking me to stand up and say, "I'm prepared to run the risk, however slight it may be." You are dealing, of course, with county fairs and I understand they're operating at half pressure.

I know they're prepared to undergo the same inspections as others, but there has been an identifiable problem develop with the cracking of the lap seam, whatever that is. Really I'm in the position of having an identifiable risk, however small it might be, and I'm being asked to accept that risk. It's a different risk than aluminum wiring may be. I just don't know. But every day we're faced with these sorts of things, whether it's nuclear boiler inspections or whether it's in this field. In each case we have to resolve it.

I want to tell you my inclination is to opt, even where there's a small risk, for the safety of the public. I understand everything that's been said. The lobby is quite good and effective and tells it like it is. Where I'm telling it like it is, is on balance. At the moment, I think we have to opt for the safety of the public unless something perhaps can be developed by the society itself, where it will undertake to share in not just the responsibility—that's not what I'm concerned about—but to develop something in terms of the cost of going through the x-ray testing or what-

ever. It's just not sufficient for people to ask me to undertake even a small amount of risk on behalf of the public. At this time, I'm not prepared to do that.

Mr. Reed: I don't want to prolong this really, but are you saying the hydrostatic test, which is the normal testing procedure, is an insufficient test for pressure vessels? Will it not show up the cracks in these lap-seam boilers? Do you use the same procedure on newer vessels and so on? And if you do, would it not tend to show up the cracks in the newer ones as well as the older ones? I'm trying to get at some kind of rationale here.

Mr. Worton: He has got to learn about that himself too.

Hon. Mr. Grossman: Again, with time being what it is, I want to say quickly yes, my people just aren't satisfied and that's their job. They just aren't satisfied that test is sufficient for these old vehicles. I can't put it any other way. The member might be willing, if he were in my shoes, to undertake that risk. I'm not sure he would. Each of us has to make a decision. At the moment, I'm not prepared to undertake that risk and I really wonder whether the member would be willing to undertake that risk.

Mr. Reed: Why don't you insist that the other boilers be x-rayed too?

Hon. Mr. Grossman: All I can report is that with their technical expertise, my people report their concern is with these vehicles especially. They arrived at that decision. I'm really being asked to overrule a decision made by my technical people who have all sorts of background and information with regards to the sufficiency of the test. They report it's not sufficient. I've tried to understand it. Frankly, however we go over it, it still gets to the bottom line: Without these extra tests, we're a little concerned that there is a risk to the public at large. With that risk there, I have to opt for public safety.

Mr. G. I. Miller: This is a concern in my area too, because we do have a few. Particularly around Norwich, they have an antique society. Would you be willing, from the comments you've made, to sit down with the association and come up with a solution to the problem that might be satisfactory so that they can still financially maintain these?

Hon. Mr. Grossman: I want to assure the member we have got to this stage with them still being used as a result of initial discussions with the people. If they want to come in and if they can satisfy our technical people with regard to the safety, or suggest some system of protection, I would be more than

happy to discuss it with them. I don't want to get them off the market any more than anyone else.

Items 3 to 5, inclusive, agreed to.

On item 6, building code:

Mr. McClellan: I'll try to be brief. I want to raise a concern under the building code item with respect to the HUDAC home warranty program. I'm sure the minister is familiar with the saga of the Rembrandt Home Owners Association. Perhaps the minister could indicate, by wagging his head or otherwise showing that he's paying some attention whether he does remember the Rembrandt Home Owners Association.

Hon. Mr. Grossman: I'm paying attention. What I was trying to do was find the information which is available back where it belongs under the HUDAC portion of the business practices vote.

Mr. McClellan: I will be very brief.

Mr. Warner: It's a pure technicality.

Mr. McClellan: It seems to be a good point to pursue.

I'm sure the minister has been advised by the office of the Ombudsman that the Ombudsman intends to investigate the ministry's endorsement of a decision of the registrar of the HUDAC new home warranty program to register Pastoria Holdings.

Pastoria Holdings is the company which built the Rembrandt homes. To refresh your memory, I am reading briefly from an editorial in the *Globe and Mail* in April 1976, which says: "The Rembrandt Home Owners Association were complaining of faulty roofs, poor insulation, faulty ceilings, against the ingress of water, the use of wooden beams where steel was specified, sagging floors, off-centre pillars, concrete basement floor in which a dog could dig holes."

Rembrandt Homes was the trademark used by Pastoria Holdings for some of the shoddiest homes that have ever been built in a subdivision in this province. It is something of a cause célèbre, leading up to the passing of the home warranty program. In August 1977, Pastoria Holdings, which is still in business, was fined \$3,000 on each of two counts for misleading advertising. What I want to ask the minister now is how can he explain to us, as he will have to explain to the Ombudsman, I assume, the fact that Pastoria Holdings is registered under the HUDAC home warranty program with the kind of record these characters have?

Mr. Davison: Shameful.

Mr. Warner: Absolutely shameful.

Hon. Mr. Grossman: HUDAC was set up by this Assembly to administer the plans. The decisions taken are not appealable to the minister nor does the minister have any influence or control over the decisions made by the registrar to register someone in particular. It will, in fact, be the registrar who will be responding to the Ombudsman. I think you will find he has the right to make the decision with regard to whom he registers. He has assessed the track record, I'm sure. Apparently, in his judgement, he has decided that Pastoria can be registered and has registered it.

I can't tell you offhand on what information the registrar acted, except that the plan is not administered by my ministry nor do I influence the decision. It is a decision made by the registrar and appealable to the Commercial Registration Appeal Tribunal—

Mr. McClellan: —which is part of your ministry. But I wanted to ask you—

Hon. Mr. Grossman: The appeal lies there. The minister cannot tell the head of CRAT what to do with the appeal for obvious reasons.

Mr. McClellan: I hadn't understood this. It is possible for a citizen to appeal against a decision of the registrar to register any particular company?

Hon. Mr. Grossman: An appeal lies to CRAT from a registration decision made by HUDAC.

Mr. McClellan: I would really like your own views on the appropriateness of the registrar registering a company that was convicted of two accounts of misleading advertising in August 1977. It surely must be a source of concern to you that the registrar is able to do that and you are not able to have any influence at all over that.

Mr. Chairman: I would say to the hon. member, I don't think misleading advertising comes under the building code, which we are doing right now.

Mr. McClellan: If I may just pursue this and then I will conclude, may I have a response from the minister with respect to his own relationship to the HUDAC program, since he claims to be powerless and the registrar is registering people who are convicted of misleading advertising? Does he not think that warrants a change in the program or in the legislation?

Hon. Mr. Grossman: If the member wants to argue that I should have some direct say in who becomes registered in the HUDAC plan, I appreciate his confidence in me. I have the same confidence in myself. But I

think it's better for the people of the province that an elected politician not be given the authority to make these decisions.

Mr. Chairman: Order.

Hon. Mr. Grossman: I think the procedure set up is the healthiest procedure. I would be happy to debate it with you at any time, on any platform. Your colleagues may be desirous that you and I debate it another time, though, because it isn't on the proper vote and it's now 5:45.

Mr. McClellan: This will be my last comment. The minister knows full well what I mean is that there should be an increase in the number of provincial representatives on the board.

Hon. Mr. Grossman: Mr. Chairman, I want to correct an impression I left. I am sorry, a citizen cannot appeal a decision made by the registrar. Someone who's been refused a registration can appeal to CRAT.

Mr. McClellan: That's beautiful. That isn't worth the paper it's written on.

Mr. Warner: What a charade.

Mr. McClellan: This program is a complete ripoff.

Mr. B. Newman: Mr. Chairman, I want to bring to the attention of the minister a resolution passed by the council of the city of Owen Sound and endorsed by other municipalities, which shows some anomalies that could be corrected in the building code. The resolution reads: "Whereas by virtue of section 466(2) of the Municipal Act, municipalities were granted a one-year period within which to commence proceedings to enforce contraventions of the building bylaws passed under section 38 of the Planning Act; whereas by virtue of section 23(1) of the Ontario Building Code Act, 1974, it is provided that everyone who contravenes any provision of the Act is guilty of an offence and on summary conviction is liable to a fine; and whereas the Summary Convictions Act provides that no proceeding shall be instituted more than six months after the time when the subject matter of the proceedings arose; and whereas it is deemed expedient, desirable and necessary to provide a one year period within which to commence proceedings to enforce the contravention of the Building Code Act and regulation; now therefore be it resolved that the province of Ontario be requested to amend the Building Code Act, 1974, to provide that proceedings to enforce a contravention of the code may be initiated within one year after the time of the contravention and

that imprisonment may be for a term of not more than six months."

Is this being taken care of, Mr. Minister?

Hon. Mr. Grossman: It has. The necessary legislation is being drafted in my ministry and I hope to have it before the House sometime next year.

Mr. B. Newman: Thank you very much.

Hon. Mr. Grossman: Mr. Chairman, before we get too far in the vote, it appears we aren't going to spend too much time on rent. I did promise the member for Hamilton Centre (Mr. Davison) that before the estimates were completed I would look into the matter of the rent review material he had given me. I do want to get this manual over to him and read into the record the following information.

[5:45]

The manual the member has in his possession, which he apparently had while he was speaking during the estimates, is the rent review procedures manual. It is simply a manual of clerical procedures to be followed by staff in the rent review offices in processing rent review applications. It is complete, but it is not the manual he requested.

If the member refers to the table of contents in the manual he has, he will note that sections RR-0000-04 and -05, the items he stated were missing from his copy, each have an asterisk beside them. As explained by the note at the bottom of the table of contents—if he read the table of contents—no contents have been issued for these sections. Nothing has been issued in those areas to date. So there is no information missing from the book he has.

That is the good news. The bad news is that the manual the member requested and that we thought was forwarded to him—before I came into office, I might add—was the cost revenue reference manual, which was formerly known as the rent review officer manual. Both of these manuals have the same red cover, and it would appear the wrong manual had been selected and forwarded to him under the attached covering letter.

I note also that the member didn't know he got the wrong manual. In any case, the cost revenue reference manual is a manual—

Mr. Warner: Do you want it back?

Hon. Mr. Grossman: If he didn't know, how are we supposed to? The cost revenue reference manual is the manual that the rent review officers use. It is based on the principles laid down in the guide to the cost revenue statement, which is a public document. The manual attempts to elaborate somewhat on these principles for the guidance of

the rent review officer in making his rent increase determination.

In any case, this is the book he wanted; I now have it. I'm sorry, I thought we would have more time prior to getting to the rent review portion. In any case, I promised to answer the question, and here is the book. He can talk about the book when our estimates are on in the spring, if any changes occur.

Mr. Warner: Now that the minister is properly aware of at least some of the activities of Ontario Hydro at the aluminum wiring inquiry, and contrary to the answer he gave me previously now that he knows Ontario Hydro has been cross-examining witnesses, is he also aware Ontario Hydro has been getting a sneak preview of the submissions and has had a hand in deciding which submissions shall be allowed?

In the interest of time, I simply ask whether the minister, hopefully now fully aware of the inappropriate activities of Ontario Hydro at the aluminum wiring inquiry, would do one of two things; either insist that Ontario Hydro act properly or terminate the hearings, one or the other. I don't think we can continue with the practice.

Surely each person who comes in front of that inquiry should be able to make a submission and not have to clear it through someone. Obviously that's the screen used so Ontario Hydro lawyers can get their hands on the material ahead of time and prepare their cross-examination questions.

Secondly, Ontario Hydro surely should not be cross-examining witnesses; that's the task of legal counsel for the inquiry. They have legal counsel and that's the job for that legal counsel, not for Ontario Hydro; it's totally inappropriate.

Please, either get Ontario Hydro to clean up their act or terminate the inquiry, one or the other.

Hon. Mr. Grossman: I want to give you the facts as I have them, and I hope you can back up your statements the same way you expect us to back up our statements.

Ontario Hydro has, like all interested parties, pre-filed, where possible, its own submission. All interested parties have access to the pre-filed submissions, not an unusual procedure I might add. Ontario Hydro does not have any advance warning or information not available to all other interested parties.

Secondly, you have repeatedly asked the Premier (Mr. Davis) and myself questions with regard to Hydro's right to cross-examine. Firstly, as the Premier stated today, under the Public Inquiries Act, I think it's section 5, it is up to the inquiry in all cases to

decide who is an interested party and thereby who shall have the right to cross-examine. The member might be aware that the home owners, in fact, have also been given the right to cross-examine. Ontario Hydro is in no different position than other interested parties, and certainly the home owners are an interested party. No one has been complaining, as indeed they shouldn't and couldn't, about their right to participate, to see what is pre-filed and to cross-examine.

Ontario Hydro apparently has been determined by the inquiry to have an interest sufficient to permit them to have the right to cross-examine. That grant of a right is not in preference of or to defeat any other person or party to the inquiry. So when you say Hydro ought to clean up their act, you ought to be saying the same thing about every other party which has been deemed to be an interested party with the right to cross-examine and to see pre-filed documents to the inquiry.

Now those are the facts as they have been given to me. If you have different information, for example if you can identify for me any power that Hydro is exercising over what submissions shall be entered, then I will investigate and investigate immediately. But having said what you said, I hope you've got details to give me, in the last seven minutes of these estimates, to back up what you have said about Hydro's activities. I would be just as rough on Hydro as anyone else if that sort of thing was going on.

For your information, the other persons and bodies given the right to cross-examine are the CSA, Alcan, the home owners, and Mr. Jerabek. All of those persons, in addition to Hydro, have the power to cross-examine. So either suggest all of them should clean up their act, or none of them.

Mr. Warner: I think the minister is aware, well he may not be, I'll give him the benefit of the doubt, that people who have been in attendance at some of the inquiry meetings, including reporters, have been rather shocked at the way in which Ontario Hydro has seemed to dominate the proceedings. I'll leave that for a moment, that's going to be dealt with at some point.

The other thing I would ask is, can the minister tell me whether or not the Ontario Housing Corporation has presented the information which it apparently has on file with respect to aluminum wiring? Have they presented that information to the inquiry?

Hon. Mr. Grossman: I don't know offhand.

Mr. Warner: Is there any way you can find out? My information is they have not presented the information. They have quite a

bit of information but there is some pressure on those senior civil servants not to show up at the inquiry. It may be necessary to get a subpoena in order to extract the information which is on file.

Now I would like to be able to confirm that one way or the other.

Hon. Mr. Grossman: Listen, none of that is within my knowledge. If you think that is what is going on, perhaps you ought to ask my colleague, the Minister of Housing (Mr. Rhodes).

Mr. Warner: You are in charge of the inquiry.

Hon. Mr. Grossman: Well no, I am not in charge of the inquiry.

Mr. Warner: Dr. Wilson is in charge, but it's under your ministry.

Hon. Mr. Grossman: That's right, Dr. Wilson is in charge of the inquiry. I want to say to you it would be quite appropriate for you to ask me if I were influencing any of my employees, anyone in the ministry to stay away or not to give evidence at the inquiry, that would be proper. If you think that is happening in the Ministry of Housing, obviously that's the proper place to ask. You can ask it tomorrow in question period; but I suggest it might be appropriate for you to be able to give some details of some of the accusations you are making, as you have still failed to do with regard to your earlier statement.

Mr. Warner: I'll ask my last question, Mr. Chairman, very quickly. What will it take to convince you the inquiry is not proceeding properly and some sort of action is needed to either terminate the thing or find some other way to change the terms of reference as has been done previously in Ontario history? What does it take to prove to you that there is a problem?

Hon. Mr. Grossman: Some facts.

Mr. Warner: Well you've had plenty, including today in question period.

Hon. Mr. Grossman: The facts you gave me would lead any reasonable person to believe that only Hydro had the right to cross-examine. You have also said only Hydro sees documents in advance. Both of those statements are not the facts. Thirdly, you are suggesting to me Hydro has the right to determine what evidence goes in. I said to you if you could give me any evidence that accusation you have made is true, then I would be screaming. The answer to your question is give me some facts. If you give me some evidence they are determining what submissions go in, then obviously I

would be upset and we would take some action. But if you are going to say that, send over the information. I will be waiting for it tomorrow and we will act immediately.

Item 6 agreed to.

On item 7, upholstered and stuffed articles:

Mr. Worton: Is this the public entertainment program?

Mr. Chairman: No, this is upholstered and stuffed articles.

Mr. Warner: There are a lot of stuffed articles around here.

Item 7 agreed to.

On vote 1404, public entertainment standards program:

Mr. Worton: It seems to me that with the estimates closing at 6 o'clock, the minister is getting away with horse racing, liquor, property rights, births and deaths and all that. I want to deal a little bit with the Jockey Club which comes under your authority.

Mr. Riddell: And somebody by the name of Charlie MacNaughton.

Mr. Nixon: A great runner.

Mr. Worton: By and large, the Jockey Club or the Racing Commission does a pretty fair job. I have a constituent who some 10 years ago was doing a little book-making and was charged with it. From then on he has been banned from the tracks. He goes down occasionally to Mohawk Raceway and is fined for trespassing. He has appealed to me and I have appealed to the Jockey Club for consideration. He has turned into a pretty good citizen. He likes to see the horses run and I don't think the horses object, so he says why should the Jockey Club object?

I am wondering if there isn't some body one can appeal to that will give this man a hearing without having to have the decision made by the Jockey Club. In other words, they are a private club and they can say whom they want at the track and whom they don't. After a reasonable time, since he has paid his debt to society, I don't know why he shouldn't be given an opportunity to go before some board in order to say: "I am now aged 65 and I like to go down and watch the horses run and put a couple of dollars on them." I think he has paid his debt; I would like to know if there isn't somewhere this man can go and have his rights given back to him so that he can once again attend at the track.

Hon. Mr. Grossman: I know an argument can be made that anyone who is good enough

to sit in this Assembly should be good enough to attend at the racetrack. In any case, this is not something we control directly. It is the private property of the race track operator. It is his decision.

Mr. B. Newman: You control the licence.

Hon. Mr. Grossman: I can hardly revoke his licence for failure to let someone like that in. In any case, it is 10 years ago; I will see that a call goes out and we'll chat with the operators to see if they cannot do it.

Mr. Worton: His argument is that the government does contribute money to this body. I will give you his name and the correspondence which I think I still have.

Hon. Mr. Grossman: We will see what we can do.

Votes 1404 to 1408, inclusive, agreed to.

Mr. Chairman: That completes the estimates of the Ministry of Consumer and Commercial Relations.

On motion by Hon. Mr. Welch, the committee of supply reported certain resolutions.

COMMITTEE OF SUPPLY

Mr. Edighoffer from the committee of supply reported the following resolution which was concurred in by the House:

Resolved: That supply in the following amounts and to defray the expenses of the government ministries named be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of the Solicitor General

Ministry administration program	\$ 2,717,000
Public safety program	10,881,000
Supervision of police forces program	6,277,000

Ontario Provincial Police

Management and support services program	22,238,000
Operations program	104,855,000

Ministry of the Attorney General

Law officer of the Crown program	2,710,000
Administrative services program	31,259,000
Guardian and Trustee services program	5,163,000
Crown legal services program	14,037,000
Legislative counsel services program	557,000
Courts administration program	67,510,700
Administrative tribunals program	7,067,000

Ministry of Consumer and Commercial Relations		Public entertainment standards program	7,874,000
Ministry administration program		Property rights program	18,826,000
		Registrar general program	2,869,000
Commercial standards program	13,581,000	Liquor licence program	6,292,000
Technical standards program		Rent review program	3,629,000
		The House recessed at 6:02 p.m.	

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Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 12, 1977

The House resumed at 8 p.m.

MUNICIPAL ELECTIONS ACT

(continued)

Resumption of the adjourned debate in committee of the whole House on Bill 98, An Act to revise the Municipal Election Act, 1972.

Mr. Deputy Chairman: Is there anything further on this bill?

Mr. Swart: I have an amendment on section 13.

On section 13:

Mr. Deputy Chairman: Mr. Swart moves that section 13 of the bill be amended by striking out, "and ending on the second Tuesday in October in an election year," in the sixth and seventh lines, and inserting in lieu thereof, "in an election year and ending on the Friday in October that precedes an election day by 17 days,".

Mr. Ashe: Mr. Chairman, would you have Mr. Swart go over that again and explain it. I'll be very frank, I thought we were finished and there was nothing else to do with section 13 or anything up to section 22. I don't have the background to what he's trying to say.

Mr. Swart: This will likely be acceptable to the parliamentary assistant. He did accept the amendment which provided for the right of an individual to vote provided he was a resident and lived within the municipality up to 17 days before the election. I believe that was a part of section 12. This provides for the same right for the non-resident voter.

Mr. Deputy Chairman: Shall the amendment carry?

Motion agreed to.

Section 13, as amended, agreed to.

Sections 14 to 21, inclusive, agreed to.

On section 22:

Mr. Deputy Chairman: Mr. Swart moves that section 22 of the bill be amended by adding thereto the following subsections:

"(1) The assessment commissioner shall cause a list of the electors to be posted in a conspicuous place in the polling subdivi-

sion for which the list was prepared, on or before the 35th day after the first Monday in September;

"(2) a notice setting forth the procedures for a re-enumeration revision of the list of electors shall be prepared by the clerk and attached by the assessment commissioner to the outside or cover of each copy of the list that is placed in a polling subdivision."

Mr. Swart: I would like to promote this motion, Mr. Chairman, because I think it is realistic and carries on with what has been done in the past.

This motion provides that a list of the voters be posted in each of the polling subdivisions. Bill 98 removes from the provisions of the previous Act the requirement that you post a voters' list in a polling subdivision. Bill 98 simply requires that there be posted a preliminary list of the electors in the clerk's office and in two other prominent places in the municipality. Although under normal circumstances, with the length of time there previously was between the start of enumeration and election day a person might have had the opportunity to find out if their name was on the voters' list and then get it on, it becomes much more difficult under this bill.

The government's refusal to accept the October election date which I proposed and the procedures related thereto, puts the whole business of election procedures in a pretty tight time bind. Formerly there were some 90 days between the start of enumeration and election day. It always was 13 weeks, short one day; always 90 days. The change we now have means in some years there will be 62 days between the start of enumeration and election day, and in other years there will be 69 days. When there are only 62 days, the time for some of the procedures becomes very short and almost non-existent. The time bind applies in that way; and it also applies in regard to the opportunity for a person to know if his name is on the voters' list, and if it is not the opportunity to get it on.

It's probably fair to say the government itself, and the parliamentary assistant, can't be too happy about the time scheduling in this Act we have before us at the present

time. Therefore we are proposing several amendments, including this one to improve the opportunity to get on the voters' list and the other timings. We think it is very important, in view of the general reduced opportunity to know if one's name is on the voters' list, that the list be posted in the local polling subdivision so the elector in that polling subdivision can readily check to see if he is on the voters' list.

Just let me give this House some of the contrasts in time scheduling that will exist under Bill 98 compared to what existed under the Act which was passed in 1972. The time between the production of the assessment commissioner's preliminary list of voters and the end of the court of revision was 24 days under the old Act. There are a lot of procedures that have to go on in that period of time. Under the new Act, there will only be 15 days in those years where you only have 62 days between the start of enumeration and election day.

The minimum time for posting of notices under the old Act was eight days. A minimum time for posting of the list of the electors under this Act is five days. Under the former procedures, there were really eight days, although it could be longer than that. The first day wasn't specified. Under the new Act, the first day is specified. As I pointed out to the member for Durham West (Mr. Ashe), under Bill 98, in those years when there are only 62 days between the start of enumeration and election day, the last day of the court of revision in fact becomes the first day of the court of revision and the municipalities are only required to have a one-day court of revision. That means from the time the lists are posted until the court of revision is held, a person has five days to find out if he is on the voters' list and to get his name on the voters' list if it is omitted. We suggest that is just not good enough.

Also under the former Act, the notification of the court of revision, the posting, et cetera, was much broader than it is under the proposed Act before us. It's quite possible that in many communities where there is no daily paper circulating in that municipality, many people won't even know of the court of revision.

Bill 98 provides for no special enumeration, as is the case in a provincial election. It is true, of course, that people can vote under sections 33 and 56, but I say that's where they have to get a certificate or where they have to take an oath, and that is not satisfactory to most people. We suggest that without the posting as proposed in this amendment, the ability for people to deter-

mine if they're on the voters' list is very limited and it will be difficult for them to get on the voters' list. Therefore we suggest this provision, whereby the lists are posted should be in the bill, and when it's going to be such a short period of time, they should be posted in each poll so the voter will know whether he is on the voters' list and be able to get on that list if he is not.

Mr. Ashe: I don't support, and hope that the committee does not support, the amendment as proposed, for many reasons. I would hope the hon. members will just weigh the arguments accordingly.

First of all, this particular amendment would put more onus on the assessment commissioner, which I don't think is really expected, since it puts more onus on the municipality. The joint election committee, which everybody has spoken to at great length in the past, supporting their efforts and what they were doing—it was a practical committee because it was made up of people who have to work with the various procedures—is violently opposed to carrying on further or extending procedures relative to posting of lists. We all know if lists posted on telephone poles, et cetera, last a day they are doing well; or even if they do last, who looks at them?

So I think that's very important. You go back to procedures which I think are outdated, and hopefully Bill 98 is correcting some of these ancient practices, which even the practitioners feel are ancient. It is not the legislators saying this, it is the practitioners who have to work with the legislation.

The particular reference by the hon. member to the one day is incorrect. I stated last time that there is a minimum of five days. I'll be proposing two slight amendments to sections 24 and 25 when we come to them to clarify it even more. The procedure is already there as five days, but it is granted that maybe the words could be a little clearer, so I'll be making some minor amendments to that. But as I indicated to the House a couple of weeks ago, I guess it was on second reading, there is a minimum of five days.

More important, the hon. member keeps referring to a court of revision and there really is no court of revision as such. It's a revision procedure which is not in the context of a court the way we used to think of it, that sat on a certain day from 10 till 12 and 2 till 4 and that was it. The very important consideration of making sure people have eligibility to vote is already taken care of in the Municipal Elections Act, in that people can go into the poll right on election day and

be sworn in as eligible to vote, even if they have been left off the list, regardless of reason.

The most important argument, if I may repeat it once again, is the people who have to operate with the system feel the posting procedures suggested here are redundant. There is ample protection and ample opportunity for the electorate to cast their ballots. [8:15]

Mr. Blundy: Mr. Chairman, those of us in this party agree with Mel Swart that we want to make it as easy and well known as possible for people in the municipalities to get out and vote. We want to ensure that. However, Mr. Chairman, in my opinion, this posting of a list on the pole in the polling subdivision is an antiquated way of doing things. In my own experience and in the experience of most of us in this House, after a day or so, or even the first evening the list is posted, some of the pages are torn off or defaced, and within a few days the list is illegible for anyone trying to find their names. So I don't see any point in that, it only makes more work. The revision of electors is now carried out, in my opinion, in a much more logical way, and one which is more successful. I think in the past year and in the past election it worked rather well. I believe that in the municipalities themselves, and I know certainly it is the case in my three municipalities, voters are given a great deal of notice through the press and radio, and through the efforts of the various people offering themselves for office, to ensure the people know this is the time they should see they are on the voters list. They know that no matter what you do there will be those who will not get on the list, but as the parliamentary assistant has pointed out they can be sworn at the polling booth on election day. So I really see no purpose in the proposed amendments to section 22.

Mr. Swart: Briefly; again, Mr. Chairman, I think it is correct to point out to the parliamentary assistant the special committee of AMO and AMCTO did not deal with this issue after the decision was made to move it to the second Monday in November, after Bill 98 was brought down. They were dealing with it in the context of the original statement last spring and therefore they did not realize there would only be one compulsory day for revision of the lists. I point out, Mr. Chairman, as assuredly as I can, that in those years when they only have 62 days, there is only going to be a compulsory one day revision period.

I would take you to section 22 of the Act. Section 22 of the Act reads, "The as-

essment commissioner shall deliver the list of electors prepared by him under sections 19, 20 and 21 to the clerk and, in respect of the locality, to the secretary of the school board on or before the thirty-first day after the commencement date of the enumeration." That's 31 days after commencement. If we read section 24(b), it says after receipt of the electors' list the clerk shall, "fix the places at which and the times when revision of the list will be undertaken, and such revision shall commence no later than fourteen days after delivery of the list to the clerk under section 22." Now if you add 14 and 31, you get 45.

Then if you turn to section 25(3) you read as follows, "The last day for the filing of applications for revision of the preliminary list shall be the seventeenth day immediately preceding polling day and such applications may be filed with the clerk during his normal office hours."

If you add 17 to 45 it brings you to 62: that is the exact length of time. So the first day of the revision is the last day of the revision; I suggest it is not five days. There is a compulsory posting of the list with the minimum of five days, but no compulsory revision for five days, it is one day. One day can be the minimum when the revision can be held. I think the Act makes that very clear.

It's all very well to say—as the member for Sarnia (Mr. Blundy) stated, and rightly so—that the radio is announcing "Make sure your name is on the voters' list," but if it means you have to drive several miles to look at a voters' list, if there is none close by you, most people just won't do it, especially in that short period of time. Therefore, people just won't get their names on the voters' list.

As I said, and as the other members have said, it is true you can use section 33, or 56 I think it is, but people don't like using that. Anybody who has had lengthy experience will know people come into the poll and if their name is not on the voters' list, two times out of three they will walk out. They will say I am not going through that procedure. I think there is a responsibility on this House not to move backward on the matter of ease of getting names on voters' lists. We should be making it easier. It is a giant step backwards to substantially contract the time, and take away the posting of the voters' list in each polling subdivision. It is going to mean more people who want to vote are going to be off the voters' list. There is no other conclusion to which we can come.

Mr. Deputy Chairman: Those in favour of Mr. Swart's amendment to section 22 of Bill 98 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Shall we stack this until the end of the bill?

Agreed.

Section 23 agreed to.

On section 24:

Mr. Ashe: Possibly it would be better if I put the explanation on section 24 and 25 before members at this time. Mr. Swart also has an amendment related to section 24(a), but we will speak to that when we get to it.

I have a very brief statement, which I referred to a short time ago, relating to sections 24 and 25. I will read it and then place the amendment.

As I undertook in the Legislature on November 22, sections 24 and 25 of Bill 98 have been further examined. It has been determined that my original response was correct. A minimum five-day period for revising the preliminary list of electors is guaranteed under section 25(2) of Bill 98. This section requires that the preliminary list will be posted at least five days before the last day of the revision period, with the covering instruction to electors to examine the list for the purpose of making any changes, additions or deletions before the last day for filing applications for revisions.

However, I am proposing two motions to amend sections 24 and 25 respectively, which will make it even clearer—and that is all they are intending to do—that the revision of the preliminary list will commence no later than 14 days after the list is delivered by the assessment commissioner, except that the list must be posted at least five days before the last day for filing applications for revision. Again it is for clarification only. There is no substantive change.

Mr. Deputy Chairman: Mr. Ashe moves that clause (b) of section 24 of the bill be amended by inserting after the word "and" in the second line, "subject to subsection 2 of section 25."

Mr. Swart: We will accept this amendment. In so doing, of course, I would just point out that my original statement was correct; there was no requirement for more than the one day of the court of the revision, and this will bring it about. It's not a clarification, it's a change.

Motion agreed to.

Mr. Deputy Chairman: We are still on section 24, and Mr. Swart has an amendment.

Mr. Swart: In fact I have two amendments to section 24, Mr. Chairman.

Mr. Deputy Chairman: Mr. Swart moves that Bill 98 be amended by adding thereto the following sections: "24 (a) (1) Any elector whose name is omitted from the list of electors as prepared by the assessment commissioner, or any person who acknowledges the fact that the name or names of any other elector or electors has or have been so omitted, may so inform the clerk, stating the names and addresses of the electors so omitted.

"(2) The clerk shall cause an enumeration to be made of all electors of whom such notice has been given during the period commencing on the 35th day after the first Monday in September and ending on the Tuesday 20 days prior to the polling day; and the enumerator shall visit the addresses and enumerate such electors, and any other electors at those addresses whose names have been omitted from the list of electors.

"(3) The clerk shall appoint enumerator or enumerators for the purpose of (2) from among those who have already acted as such for the pending election."

Mr. Swart: Mr. Chairman, if I can speak to this at this time. The intent here is clear. We in this party would like to see the procedures of the provincial Election Act apply to municipal elections. Our party feels the Election Act provides procedures for the provincial election which are unexcelled in any other jurisdiction we know. One very important part of that provision is that special enumerators are appointed to go out and pick up the names of people left off the voters' list when they're so notified; they pick them up in their home in the same manner the original enumeration was done.

I am told by provincial election officials they get at least two-thirds of all the additions to the voters' list in this way; those who are missed at the time of the original enumeration are picked up in this manner rather than at a revision. It seems to me there is sound reason why that procedure should be followed in the municipal elections as well as the provincial elections. That is the purpose of this amendment which I'm putting before you at this time.

Mr. Ashe: Actually, many of the comments I made relative to section 22 still apply, as far as the access of the electorate to the poll and their ability to vote are concerned.

There are additional concerns relative to this proposal. One would be the additional

responsibility for the clerk to re-enumerate the electors who were missed on Revenue's initial enumeration. It would be questionable whether they could get Revenue's enumerators to do the job again. It would also be a costly addition to municipal budgets, and we all talk about decreasing costs not increasing them. This is particularly true, seeing as they would undoubtedly have to pay the same rate the enumerators had been paid by Revenue.

Last but not least, there is no obligation or necessity in the proposal to even notify the assessment commissioner of any change to the list; however I think that's secondary, that's a procedural one.

More important, we don't now, in any way, block the ability of a voter to get to the poll. We are doing that right up to and including election day. Second, it is the feeling, I think shared by the municipalities and by any of those who work on the procedures on behalf of the municipality, that they do not want to burden their busy schedule with a further obligation and its associated costs.

Mr. Blundy: Mr. Chairman, we all know that in the days preceding the election, the city clerk and the people in the clerk's office are tremendously busy. We have pointed out before, and the parliamentary assistant has pointed out, as have the member for Welland-Thorold and myself, that every effort is being made to make people aware of the procedures and of the election and the period for revision. This will add costs to the municipality in conducting the election, but I think it will also make for a certain amount of confusion and will make it difficult for the returning officer of the municipality. I would go along with it even though it does these things if I thought it were really necessary, but under the other amendments in the Act I believe it will not be necessary and therefore I will not support the amendment, Mr. Chairman.

[8:30]

Mr. Swart: The parliamentary assistant mentioned the responsibility of the clerk would be greater. I suggest it would make it much more simple for him if two-thirds of the names which are left off that people want to have to put on are brought in by the special enumerator rather than having people go into the clerk and have the list revised there. That will ease his load rather than add to it.

Secondly, I suggest the additional cost will be minimal. In most municipalities—certainly in smaller municipalities—it will probably mean one special enumerator for one week.

In large municipalities it will mean more, but I suggest it's an infinitesimal cost to the municipality to provide the opportunity for people to get their names on the list easily when they have been left off, perhaps through no fault of their own.

Mr. Deputy Chairman: Those in favour of Mr. Swart's amendment to section 24 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

We will stack this vote as well.

Does the member for Welland-Thorold wish to put an amendment to section 24(b)?

Mr. Swart: No, I do not. The government amendment covered that problem.

On section 25:

Mr. Deputy Chairman: Is the hon. member for Durham West ready to put his amendment to section 25?

Mr. Ashe moves that section 25(2) of the bill be struck out and the following inserted in lieu thereof: "The day of posting copies of the preliminary lists under subsection (1), and of giving notice under section 24, shall be at least five days before the last day for filing applications for revision."

Mr. Ashe: As I indicated earlier, this is a revision of the words rather than the intent of the words.

Mr. Blundy: I believe the amendment does clarify that particular section of the Act. We will support the amendment.

Mr. Swart: We will support the amendment too.

Motion agreed to.

Section 25, as amended, agreed to.

Sections 26 and 27 agreed to.

Mr. Ashe: With the concurrence of the hon. member for Welland-Thorold, if we could hold section 28 in abeyance, then if in his discussions on section 29 the concept is acceptable, we think it would be better incorporated as a subsection 7 of section 28. On that basis, if it could be held in abeyance for a moment I'd appreciate it.

Mr. Deputy Chairman: We will hold back section 28 and move to section 29. Does the hon. parliamentary assistant wish to speak to section 29?

On section 29:

Mr. Ashe: I think the hon. member for Welland-Thorold has an amendment.

Mr. Swart moved that the following subsection (a) be added to section 28: "Where for any reason the name of a person be deleted from a preliminary list of electors, the clerk shall forthwith cause to be served

personally on or sent by registered mail to that person at the address given in the preliminary list a notice indicating the reason for which the person's name was deleted from the preliminary list, and advising of the voting procedures under sections 33 and 56."

Mr. Swart: The reason we submit this is that in the very short time frame—and even if it wasn't quite so short—frequently when a name is removed from the voters' list by the clerk during revision, under the present Act the person is to be notified by registered mail. If he does not appear, then his name may be removed by the clerk in any event, and that is the end of it. Because of the short duration of the court of revision and the impossibility almost during that period of time to get out a registered letter or to notify the voter personally that his name is being removed from the voters' list so that he could get back and say, "No, you're wrongfully removing it," we feel it would be better to notify him by registered mail that he can still vote under section 33 or 56.

Many of the voters would not be familiar with the sections. Therefore, we think it is only fair the voter should know that if his name is wrongfully removed he can go in and get a certificate to vote or can take the oath on election day. If the parliamentary assistant feels it is better placed in section 28, I'm sure we have no objection to that. Perhaps we can work that out and have his suggestion now.

Mr. Ashe: Mr. Chairman, we have no great concern with the proposed amendment other than the recommendation that rather than it being in section 29(a), that it be section 28, a new subsection 7, but with the exact same words.

Mr. Deputy Chairman: Is that acceptable to the member?

Mr. Swart: That's acceptable, yes.

Mr. Deputy Chairman: Revise your amendment to be an amendment to section 28, adding subsection 7?

Mr. Swart: Amend section 28 by adding subsection 7 which will be the words I read.

Mr. Bradley: Mr. Chairman, the way this is being revised lends itself to probable support. I would think the number of times this would actually happen would be very few. Therefore, it would not be a burden on the municipality. It is not as though we are going to have a deluge of these cases coming before the city clerk or the county clerk. Therefore, it seems to be a reasonable amendment to have carried. Certainly, we would want anyone who is wrongfully re-

moved, or removed for purposes which he feels are wrong, to have the opportunity to be placed back on the voter's list. This minor amendment appears to be the kind of amendment we could support.

Motion agreed to.

Section 28, as amended, agreed to.

Sections 29 to 32, inclusive, agreed to.

On section 33:

Mr. Deputy Chairman: Mr. Ashe moves that subsection 4 of section 33 of the bill be amended by adding at the end thereof "in election year." Again, it's just a clarification.

Motion agreed to.

Section 33, as amended, agreed to.

Section 34 agreed to.

On section 35:

Mr. Deputy Chairman: Mr. Ashe moves that subsection 3 of section 35 of the bill be amended by striking out "six" in the first line and in the seventh line and inserting in lieu thereof "in each instance seven."

Mr. Ashe: Again it's just a correction of a typographical error, let's say.

Motion agreed to.

Section 35, as amended, agreed to.

Mr. Deputy Chairman: Section 36 agreed to.

On section 37: Mr. Swart moves that the bill be amended by adding thereto the following section 37(a): "where the number of candidates for an office who are nominated at the end of nomination day is not sufficient to fill the number of vacancies to which the candidates may be elected, the Thursday following nomination day shall be a supplementary nomination day and the clerk may receive and certify additional nominations for the office in respect of which there was an insufficient number of candidates."

Mr. Swart: Very briefly, Mr. Chairman, the committee AMO and AMCTO asked for this provision to be put in the Act because there are a number of municipalities, usually small municipalities, who get insufficient nominations on the regular nomination day or the two or three days prior to the regular nomination day, to fill the offices. Under the present Act, of course, it means they have to hold another election, if there's an election held on the regular day where some office has more than sufficient number even though another office has less. They have to hold another election subsequent to that with the additional costs. This seems like a reasonable way of getting those offices filled.

Most of us in municipal life know what would happen. I think those who are concerned about insufficient nominations would go out and encourage somebody to stand for the office and on the supplementary nomination day to save the cost of another election. Then the office possibly could be filled and this would save the expense of another election. I feel this is a reasonable proposal, and one that has been strongly requested by the Association of Municipal Clerks and Treasurers of Ontario and also by the Association of Municipalities of Ontario.

Mr. Deputy Chairman: Section 37 has six subsections. Do you want this added to one of those subsections or to be a new subsection?

Mr. Swart: Perhaps it would be just as wise to add it as an additional subsection. It's a little different subject, but I think we could add it as a subsection.

Mr. Deputy Chairman: You wish it to become section 37, subsection 7?

Mr. Swart: Right.

Mr. Ashe: Mr. Chairman, no doubt this was a recommendation of the joint committee. It was discussed at our last full meeting with the joint committee and I think we put across to them some of the concerns of the Treasurer and myself. There is a possible opportunity for some candidates to play games knowing there is going to be a supplementary opportunity to be nominated. The other side of that argument is somebody could end up playing themselves right out of a position on the ballot. The smaller the situation the easier it is to play games.

Assuming that nearly all elections, municipalities and candidates are above that, is a statement you can challenge, question, and debate about. Looking at the other side, it was recommended by the joint election committee, and there is some support within some regional offices of the ministry. Added to that, is the probability of cost savings to municipalities who might, under other circumstances, have had to have a supplementary election. Weighing both those situations, it is felt that is probably an appropriate amendment.

With the agreement of the hon. member for Welland-Thorold, we have suggested wording that is probably more acceptable. It's recommended by counsel as doing the same job better. With the concurrence of the committee, if I will read what is suggested; then the hon. member can weigh his proposal against this one. Then we'll

hear the position of the hon. members of the opposition relative to the whole concept.

It would start out, "that section 37 of the bill be amended by adding thereto the following subsection 5: 'Where the number of candidates for an office who are nominated at the end of nomination day is not sufficient to fill the number of vacancies to which the candidates may be elected, on the Wednesday following nomination day, the clerk may, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon receive and certify additional nominations for the office in respect of which there was an insufficient number of candidates,' and that the present subsections 5 and 6 be renumbered as subsections 6 and 7; further, that subsection 7 as renumbered be amended by adding at the end thereof, 'provided that where the clerk has received additional nominations under subsection 5, a list showing the names of the additional candidates nominated shall be completed and posted by the clerk no later than 4 o'clock in the afternoon of the Thursday following nomination day.'"

It is felt that this particular amendment further clarifies the responsibilities relating to times and further responsibilities of the clerk in the handling of the nomination, and hence, election procedure.

Mr. Swart: Mr. Chairman, I would be prepared on behalf of the party to accept that wording. It does add something to, I do admit, the end of the present section 6. It does exactly the same thing.

Mr. Deputy Chairman: You will withdraw your amendment then, that you put to this section?

Mr. Swart: I will withdraw my amendment and accept that one in its place.

Mr. Blundy: Mr. Chairman, I think the original amendment that was proposed for this section did leave itself open a bit to abuse, and as the parliamentary assistant said, to perhaps the playing of games and so forth, although he knows as well as I do that none of the candidates for municipal office would play such a game. But there is always the possibility that that might happen.

The amendment that is now being proposed fills that gap if it is necessary and it will not be there for people to count on to play around with unless it is necessary. Therefore, we would support the second amendment as suggested.

Mr. Deputy Chairman: The member for Durham West, I gather you will now move the amendment as you previously read.

Mr. Blundy: So this will be the amendment then? The member for Welland-Thorold's amendment will be withdrawn. Is that correct?

[8:45]

Mr. Deputy Chairman: He has already withdrawn his amendment.

Mr. Nixon: I would like to hear it.

Mr. Deputy Chairman: Mr. Ashe moved that section 37 of the bill be amended by adding thereto the following subsection: "(5) where the number of candidates for an office who are nominated at the end of nomination day is not sufficient to fill the number of vacancies to which the candidates may be elected, on the Wednesday following nomination day the clerk may, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon receive and certify additional nominations for the office in respect of which there was an insufficient number of candidates," and that the present (5) and (6) be renumbered as (6) and (7), and it is further moved that (7), as renumbered, be amended by adding at the end thereof, "providing that where the clerk has received additional nominations under (5) a list showing the names of the additional candidates nominated shall be completed and posted by the clerk no later than 4 o'clock in the afternoon of the Thursday following nomination day."

Mr. Nixon: I would just like to ask the parliamentary assistant if that amendment means if that ancillary makeup nomination is required, there can never be an election. Could there be an election?

Mr. Ashe: There could very well be no candidates for a particular office on nomination day and on the supplementary nomination day, there might be three. Why they didn't come forward sooner, I don't know. But there would only be an opening if there were, in fact, no nominees. There would be no other offices reopened for further nominations. Just those offices where there were no candidates or insufficient candidates. Those sessions would be open. There could be more than one. You are not just buying yourself an acclamation, by any means.

Mr. Blundy: Mr. Chairman, I think what the hon. member for Brant-Oxford-Norfolk wanted to ensure was that it didn't mean another election, but the election would be held on the normal election day already set.

Mr. Ashe: The election would be on the same day. In effect, there would be a shorter campaign period, if you will, for those candidates.

Mr. Ruston: Did the parliamentary assis-

tant intentionally leave off "the clerk may" or did he really think that should be "shall"? If he hasn't got enough, surely you are not going to leave him the discretion as to what he is going to do.

Mr. B. Newman: It should be "shall." He shouldn't have any discretion at all.

Mr. Ruston: It reads, "the clerk may." I think it should be "shall."

Mr. Ashe: I understand from legislative counsel that "may" is correct. Now, why?

Mr. Kerrio: There has been an occasion where they have been wrong before.

Mr. Ashe: The connotation of "may", and I am told by counsel it is correct, is that he may not get any. That is the correct wording.

Mr. Breithaupt: On a point of order, Mr. Chairman, if it is "shall," then he "shall" in fact accept the ones that he does get.

Mr. Ashe: Yes, but he may not get any that he shall accept.

Motion agreed to.

Section 37, as amended, agreed to.

Sections 38 to 40, inclusive, agreed to.

On section 41:

Mr. Deputy Chairman: Mr. Swart moves that subsection 2 of section 41 of the bill be struck out and the following substituted therefor: 41(2) notice of the time for the holding of the poll notice of the last day for making application to the clerk for a certificate to vote by proxy shall be given by the clerk forthwith after it has been determined that a poll is required by publishing the notice in a newspaper having general circulation in the municipality, and where there is no such newspaper the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality."

That is a direct quote from the previous Act and it is different from Bill 98 in that it gives the clerk some discretion. We think that discretion is desirable. Under Bill 98, the clerk must give notice of poll by posting the notices in at least two conspicuous places in the municipality, and where there is a newspaper having general circulation in the municipality, by publishing a notice in such newspaper. That is all it says. If there isn't a newspaper with general circulation in the municipality, he has no discretion as to how else he is going to notify the people that the vote is taking place.

It seems to me there can be circumstances in some municipalities where he might want to post it on poles, where he might want to use a weekly paper, or by some other method

notify the public of the date of the election, that an election is being held and who is running. It just gives a slight bit more discretion to the clerk, which he does not have in the bill before us. Perhaps the parliamentary assistant might want to accept that amendment.

Mr. Ashe: I'm a little caught on this one. I am told that the big difference in this Act versus the old one is that various procedures the clerk is following are very specific. He knows exactly what he is going to do and when he is supposed to do it, whereas under the old Act it was very ambiguous and that, again, this particular—

Mr. Breithaupt: He is a lucky man.

Mr. Ashe: Yes—section being proposed is unnecessary in that the total procedures are now covered in the Act.

Mr. Deputy Chairman: Those in favour of Mr. Swart's amendment to section 41 of Bill 98 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Shall the vote be stacked?

Some hon. members: Agreed.

Hon. W. Newman: You are lucky you have got five in here.

Sections 42 to 48, inclusive, agreed to.

On section 49:

Mr. Deputy Chairman: Mr. Swart moves that Bill 98 be amended by adding the following: "49(a)(1) Where by reason of the hours of employment an employee who is a qualified elector will not have three consecutive hours to vote while the polls are open on a polling day of an election, his employer shall at the convenience of the employer, allow the employee such time for voting as is necessary to provide the three consecutive hours."

"(2) No employer shall make any deduction from the pay of any such employee or exact from him any penalty by reason of absence from his work during the time allowed by the employer for voting."

Mr. Swart: Mr. Chairman, I would point out this clause is exactly similar to the one in the Provincial Election Act. We believe municipal elections are important enough that the same privilege should be given to an employee to vote in the municipal elections. We would ask once again and hope that the parliamentary assistant will accept this. If not, we ask our colleagues on the right to support us on this one.

I would point out that the leader of their party, the member for Hamilton West (Mr.

S. Smith) put in clear terms last Thursday night, I believe it was, his view about the equality of municipal elections with those of provincial and federal governments. He said: "the argument is made that municipal elections are somehow less important than federal elections, inasmuch as foreign affairs are not discussed as much as some of the issues which are more tangible, and more local. I say to you that to regard the municipal scene as some kind of minor league, some kind of a sandlot where one learns to eventually play in the bigger leagues, is an insult to municipal government. For far too long municipal government has been the poor stepsister of all governments." I would suggest if municipal elections carry the same degree of importance as provincial and federal elections, then we should give the same opportunity for people to participate on election day.

Hon. W. Newman: It's true, you wouldn't be here.

Mr. Ashe: If the hon. member for Welland-Thorold doesn't stop standing up on all those little ones, we are not going to give you any more. He should be careful. The only suggestion I have, and we agree in the spirit of this, is I am sure there are some business people who would not be too happy with it.

Mr. Kerrio: It doesn't cost the hon. member for Welland-Thorold anything to make those amendments.

Mr. Ashe: Considering the hours of polling now there are not that many people, I don't think, who would not have the opportunity under their normal working day to have the three hours off. But in the spirit that it is similar to other legislation and other election Acts, we have no great problem with it.

The only suggestion I would make on behalf of legislative counsel is that rather than making it a new subsection 49 (a), the exact same words become subsections 2 and 3 of section 49, so that a new subsection 49 (a) is not created. So where your motion reads "49 (a) (1) and (2)" it would just become a part of 49 and become sections 2 and 3.

Mr. Deputy Chairman: And the present would be section 1. What is now printed in the bill—

Mr. Ashe: What is now 49 would remain so, but become section 1. These would become 2 and 3.

Mr. Bradley: We in this party will be supporting this amendment because, with the hours from 11 o'clock in the morning to 8 o'clock in the evening, it will not impose on business in any particular way. Very few people will actually have to use this particu-

lar provision, unless they're working overtime or have special jobs, such as a fireman might have when there's a long shift.

It does comply with the other two levels of government and we, as the member for Welland-Thorold has pointed out—and I am happy to see he has quoted the leader of the official opposition—feel that municipal elections are very important and therefore should be accorded the same kind of conveniences as are available in the senior levels of government. This will allow us to be in the position where we don't have to extend the regular hours such as a further amendment will suggest. If we're going to provide this necessary three hours for people then it would seem sensible we would not then have to extend the hours later on.

We certainly will be supporting this particular amendment.

Mr. Swart: I have one question of the parliamentary assistant. I'm not sure what his proposal is. Section 49 now has seven clauses. Where are you proposing to put it? I'm pleased you're accepting the principle, but I'd like to have more—

Mr. Deputy Chairman: These are not subsections. These will be sections under section 49 (1). Those are rules under 49 (1). That will be 49 (2) and 49 (3).

Mr. Swart: Yes.

Motion agreed to.

Section 49, as amended, agreed to.

Mr. Nixon: We're going to have to close down the Legislature that day of course.

Mr. Bradley: Are you going to move that your customers can vote?

Sections 50 and 51 agreed to.

On section 52:

Mr. Deputy Chairman: Mr. Swart moves that section 52 of the bill be amended by striking out "11 o'clock" in the second line and inserting in lieu thereof "9 o'clock."

Mr. Swart: That of course means the polls would be open from 9 in the morning until 8 at night, which would be the same hours as we have provincially and generally the same hours as we have federally. Once again, I would point out that persons voting in municipal elections should have the same opportunity to cast their votes as people who are voting in provincial and federal elections. In view of the fact that the member for St. Catharines was so impressed by my quoting his leader—

Mr. Nixon: The ballots are different.

Mr. Swart: —maybe I should quote a couple of more sentences here where he says—

Mr. Bradley: You got caught last week quoting, Mel.

Mr. Swart: —"It is just as important surely to have to cast your vote intelligently and with a view to the future municipality as it is provincially or as it is federally. I don't draw these invidious distinctions between the three levels of vote-casting."

Mr. Bradley: The master of selective quotation.

Mr. Swart: Nor do I, Mr. Chairman,—

Mr. Kerrio: You're wasting your time, Mel.

Mr. Swart: —and suggest that the 9 o'clock opening time will enable some people to vote—

Mr. Ruston: Slave driver Mel.

Mr. Swart: —or cause some people to vote, who wouldn't otherwise vote in municipal elections.

Mr. Ruston: You want some people to work 14 hours—

Mr. Swart: It's true that there has traditionally been a much lower percentage of the public voting in municipal elections, but I would point out that over all these years we've had much greater restrictions on them. We've been moving away from that in recent times, and I think it's time to get rid of the final hurdles, which include having the polls open for the same length of time for municipal elections as for the two other levels.

[9:00]

Mr. Ashe: We cannot support this proposed amendment. Everyone recalls that was the original proposal in Bill 49. It was objected to by the joint committee. I would go so far as to use the word "violently" objected to. There are many reasons for the objection.

It creates a very long day for those involved in the municipal election process. It's fine to say it's done for provincial elections but it is not the same. The ballot counting and so on at the end of the day are usually much more demanding and much more time-consuming than in a provincial election. An additional expense would probably be involved because the longer day would assume a greater amount of remuneration.

In many instances, one would lose the opportunity of using private homes because of the long day. If there is going to be additional time, maybe at some point in time we should think about adding it on at night when it would be used. In fact, we all know, regardless of what election, you can go into the polls between 9 and 11 in the morning

and there has been very little and, in some cases, no activity taking place at all.

Last but not least—and we always hear the hon. member asking us to be responsive to the municipalities—90 per cent of the municipalities that responded with reactions to Bll 49 relative to this said: “No way. We want it put back to 11 o’clock. The two extra hours are not necessary.”

Mr. Ruston: Very good.

Mr. Bradley: I rise to provide for the House the words of the clerk of the city of St. Catharines in this matter. I think they cover this issue rather clearly and point out why we should not be supporting this particular amendment.

I should start off by saying if there were some kind of conclusive proof through federal and provincial elections that a large number of people wished to cast their ballots between the hours of 9 o’clock in the morning and 11 o’clock in the morning, it might compel some of us to look with sympathy upon the proposal to extend these hours. I quote from comments by Mr. Rod Hollick, clerk of the city of St. Catharines on this: “Unlike the provincial election in which there is only one ballot, a municipal election usually requires several ballots and one often finds a far greater number of candidates vying for each office than in the case of a provincial election. Unless a municipality is using some system of automatic vote recording or computer tabulating of voting results, the actual count is an extremely arduous task.

“Generally speaking, the deputy returning officers now work approximately 14 hours, when one considers the instruction time, actually administering the voting procedures on election day, tabulating and balancing the results and returning election materials to the clerk. The addition of two hours will add to this long day and to the costs incurred by municipalities in employing election personnel. It is my opinion that a more appropriate manner of ensuring sufficient time for a voter to cast his ballot might be to legislate the three hours of voting time for electors in the municipal election in the manner that is provided for provincial and federal elections.”

I should also point out that many of the people who work in these elections—and it’s been traditional and I don’t think it is going to change substantially—are people who are somewhat elderly and see this as a way of supplementing a pension or something of that nature. They find it almost too difficult to handle the job at present in terms of the

hours they have to work. To add these additional hours would eliminate many of these people.

I think we have to look at what is best for the electors and what provides the best opportunity for electors to cast their ballots. If it were to have a significant effect on the number of people who would cast a ballot, I think we might have to overlook what the clerk of the city of St. Catharines had to say and those who would advance the same argument. But because we don’t feel it would measurably increase the number of people participating in the election, we will not be supporting that particular amendment.

Mr. Swart: There obviously is some validity in the argument put forward by the member for St. Catharines and by the parliamentary assistant, but I suggest we have to weigh that against the greater opportunity of people to vote. It is true, of course, that the AMO and the AMCTO recommended against the extension of the hours. I am equally sure if provincial and federal elections were now being run from 11 in the morning even until 8 at night and you consulted the returning officers and said, “We are going to add two more hours to it,” they would say no. They would say it would be very difficult; it would be very hard. We won’t be able to get the people to do the job.

We have to weigh the opportunity of more people being able to vote. We have to weigh the value of municipal elections against provincial and federal elections. When I weigh those and when my party weighs those, we come down on the side of greater opportunity for people to participate in election day. We’re not suggesting it’s going to increase the turnout of electors greatly but there will be some people who will vote who otherwise wouldn’t if the hours run from 11 to 8.

I have been in municipal government for enough years, long enough to remember the days—

Mr. Bradley: Too long.

Mr. Kerrio: Too long.

Mr. Swart: —when the voting hours were shorter and we used to close at 7 o’clock. I know of many people who either went in the morning or went in the evening because they were accustomed to the hours of provincial or federal elections. They went and the polls were closed. They went home and when you went to see them, they said, “I was up there once and the polls were closed. I am not going to go back again,” or “I’m working 4 to 12, I am not going back again.” Let’s make no mistake about it, a great many

people don't remember the rules of the election from municipal to provincial to federal elections. When we are not going to have any voters' lists up on the poles with the instructions there, with the hours the polls will be open, it is going to be more difficult for them to know, and it seems to me in that respect alone, it's worthwhile that we have the longer hours. We have to weigh it in balance and I guess we have our own value judgements here on this issue. But our judgement is those polls should be open the same length of time as they are provincially or federally.

Mr. B. Newman: Normally I would agree with the member for Welland-Thorold except that—

Mr. Bradley: Please.

Mr. Kerrio: What kind of statement is that? He will be quoting that back to you.

Mr. B. Newman: —I have to speak from the experience of my own community.

Mr. Makarchuk: I wonder if we could dispense with this? We want to get the bill through tonight.

Mr. B. Newman: Well, you could have told your own colleague that earlier too, couldn't you? The amount of time I am taking here is insignificant compared to the amount of time your own colleague was taking.

Mr. Nixon: You are a lot easier to listen to, Bernie.

Mr. B. Newman: Mr. Chairman, the hours from 9 to 8 would extend the hours for the employees, that is the poll clerk and the deputy returning officer—

Mr. Makarchuk: That is what he said already.

Mr. B. Newman: —another two hours. Remember, when you are running an election in which you may have 40 candidates for eight aldermanic positions; you have up to 22 running for public board of education; you have another 14 to 18 running for separate board; then you have all of your utilities commissioners; to expect the poll clerk and the deputy returning officer to be able to tabulate all of that without making an error, is asking for the impossible for some of them. Most of them will be as accurate as they possibly can, but it is extremely difficult.

Those people have to get home too. They don't complete their tabulating in some instances until after 2 o'clock in the morning. I am referring to my own community and no other community. You are really imposing something that is extremely difficult for the deputy returning officer and the poll clerk in my own community. I know the hours

from 11 to 8 give everyone, in my estimation, sufficient time to cast their ballot. It could be more efficient to have the hours a little shorter and it would still give the individual ample opportunity to exercise his franchise.

Mr. Chairman: All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

It is stacked.

Sections 53 to 62, inclusive, agreed to.

On section 63:

Mr. Breithaupt: Just one comment that I might make with respect to section 63, Mr. Chairman. As members will be aware with respect to the amendments I am proposing to another Act, which will be dealt with in this House Thursday, there is a phrase in section 63 which is distasteful to persons who happen to be blind; that phrase is the use of the words, "handicapped by blindness."

I think this would be an opportunity for the parliamentary assistant to amend that section to simply read, in the second line, "or is blind or has other physical cause to keep him from voting," something to that effect. If the parliamentary assistant could make an amendment to that effect, then I think it would be well received. Therefore, perhaps the amendment could read, in the second line, "read or is blind or is handicapped by other physical cause."

Mr. Ashe: Are those words okay to legislative counsel? I have no problem, I think that's a good suggestion. I would move that amendment. Apparently the wording as proposed is acceptable to legislative counsel.

Mr. Chairman: Did the member for Durham West write that out or the member for Kitchener?

Mr. Breithaupt: I'll write it out if you wish.

Mr. Chairman: The amendment hasn't been put, but while it's being written, does anyone wish to make any comments?

Mr. Breithaupt: Mr. Chairman, I am able now to place the amendment.

Mr. Chairman: Mr. Breithaupt moves that section 63(1) be amended so that the second line would read as follows, "read or is blind or is handicapped by other physical cause."

Motion agreed to.

Mr. Breithaupt: There's one other amendment that I might make, again to consider this matter with respect to blind persons.

That is, from a quick perusal of subsection 4 of section 63, the matter there deals with the situation where an individual may act as a friend for more than one blind person. This is a point which has also been raised by various reports and it is one which I think could be attended. Really, since a person might act as friend only once, this might be an inconvenience in homes for the blind or in other circumstances where one might be taking several blind persons to vote.

As a result, I think the practical situation here would be to delete subsection 4.

[9:15]

Mr. Chairman: Mr. Breithaupt moves that section 63(4) be deleted.

Mr. Ashe: I would oppose that amendment. I can appreciate the spirit behind its proposal. I don't challenge that in any way, but would suggest it could be improperly used in specific circumstances. Albeit it could be inconvenient under certain circumstances to only allow a friend to act and vote on behalf of one person, I think the protection that is built therein is worth that possible inconvenience.

Mr. Swart: We too will oppose this amendment, for the same reason. It could lead to abuse. If we accepted the principle here then perhaps the next step would be to accept the principle of the proxy vote—that one person could vote by proxy for a number of people who may be in a nursing home or something of that nature.

Mr. Kerrio: Are you suggesting they might put the X in the wrong place?

Mr. Swart: Therefore, although it could be an inconvenience, and is good intent on the part of the mover, I think it is one of those things where for the sake of preventing possible abuse, we can't support the amendment.

Mr. Chairman: All those in favour of Mr. Breithaupt's amendment to section 63, subsection 4, will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

I declare the amendment lost.

Section 63, as amended, agreed to.

Sections 64 to 66, inclusive, agreed to.

On section 67:

Mr. Chairman: Mr. Ashe moves that subsection 5 of section 67 of the bill be struck out and the following inserted in lieu thereof: "(5) A person who has been appointed a voting proxy may apply to the clerk not later than 5 o'clock in the afternoon of polling day

to receive a certificate to vote by proxy for the polling subdivision in which the person appointing the voting proxy is entitled to vote."

Mr. Ashe: The reason, Mr. Chairman, is to expand to the 11th hour, so to speak, the opportunity to exercise a proxy vote. I understand that this is going to be a recommendation also with The Election Act.

Motion agreed to.

Section 67, as amended, agreed to.

Sections 68 to 84, inclusive, agreed to.

On section 85:

Mr. Chairman: Mr. Swart moves that subsection 2 of section 85 of the bill be struck out and the following substituted therefor: "(2) For the purposes of this section, 'lot' means a method of determining the successful candidate by placing the names of the candidates who receive the equality of votes on equal sizes of paper placed in a box from which the name of the successful candidate is drawn by a person chosen by the clerk."

Mr. Swart: It's a matter of clarification, Mr. Chairman. We are not going to divide on this, but it seems clearer than subsection 2 which says, "On equal sizes of paper placed in a box and one name being drawn by a person chosen by the clerk." It could be the name drawn or the one that is left would be the winner. It doesn't make it clear. We think this would clarify that, but it is not a major amendment in any way.

Mr. Ashe: I guess clarity is a matter of the beholder. I would suggest the words proposed to be enacted in section 85 are clearer in intent than the proposed amendment. I think the mover of the amendment is forgetting that section 85(1) actually defines how it is done. All section 85(2) is doing is defining "lot". If you read back to section 85(1), it says: "In the case of an equality of votes for candidates for any office for which one person only is to be elected, or for which the holding of any other office is to be determined as a result of a recount or final addition, again, these successful candidates shall be determined by a lot conducted by the clerk." So all 85(2) is doing is defining the word "lot." I think it is much clearer as proposed than the amendment.

Mr. Chairman: All those in favour of Mr. Swart's amendment to section 85(2) will say "aye."

All those opposed will say "nay."

In my opinion the nays have it.

I declare the amendment lost.

Section 85 agreed to.

Sections 86 to 91, inclusive, agreed to.

On section 92:

Mr. Swart: I am not moving any amendment to section 92 because the—

Mr. Kerrio: Oh, go ahead.

Mr. Swart: —non-acceptance of the special enumerators makes that redundant. Section 95 is the next one for which I have an amendment.

Sections 92 to 94, inclusive, agreed to.

On section 95:

Mr. Chairman: Mr. Swart moves that section 95 be amended by adding thereto the following subsection (a): "The council of the municipality may by bylaw provide for limitations on election expenditures by or on behalf of a candidate and require disclosure by a candidate of all his election contributions to his campaign in excess of \$100 in the form of money, goods and services."

Mr. Swart: We feel this amendment is of some very real substance. It does not go as far as the Election Finances Reform Act of the province or of the federal government. It simply makes it permissive for a municipality to enact such legislation. We deliberately introduced it in this manner in the hope that at least one of the other parties would be willing to accept this principle as a start on an election expenses Act at the municipal level.

This House will probably know that the PMLC has adopted a motion from the AMO which call for an election expenses Act for municipalities in their document of September 9. They ask that there be limitations, that there be identification and that there be a tax credit to contributors. As I say, we have not gone that far in this motion but we think it is a reasonable start.

It should be pointed out that there perhaps is a greater need for this kind of legislation, an expenses election Act, at the municipal level in certain areas, in certain sized municipalities, than there is even at the provincial or federal levels. There are two reasons. First of all, most of those who run for public office at the municipal level pay their own expenses or largely pay their own expenses. There are no political parties, by and large, backing them at the municipal level.

Mr. Nixon: I am surprised. How could you sit there and say that? You are a fine one to say that.

Mr. Blundy: How can you stand there and say that?

Mr. Swart: It is largely true, though not

always true. If one is running in a large municipality—the city of Toronto or the borough of York or even the city of St. Catharines—there are substantial costs involved to the individual if he is going to put on a major campaign.

Mr. Nixon: Their pay is pretty good too.

Mr. Swart: Inevitably the person who has the greatest amount of money to spend has some advantage—

Mr. Nixon: In those regional councils, they end up making more than—

Mr. Swart: —over those who have a very modest income and cannot spend those large amounts of money.

Mr. Chairman: Order.

Mr. Kerrio: You can't beat success.

Mr. Swart: Therefore, for these two reasons it seems there is justification for a limitation on expenditures. Certainly with regard to disclosure of expenditures, once again there is every bit as much reason for a disclosure of expenditures at the municipal level as there is at any other level.

I would point out that this is permissive for the municipalities, but we think it is a good start. I hope the majority of the members of this House will support this amendment.

Mr. Ashe: On the basis that this is permissive, and in fact does not put any obligation or onus on the municipal council that does not want to put this in place, and also that it does not put any onus or responsibilities on the province, we're willing to have this as part of the bill.

The only thing that I would ask would be if the member for Welland-Thorold—we can still have the discussion now hopefully and see the way it's going to go—but I would prefer if the hon. member would agree to withdraw on that particular section. It is again suggested by legislative counsel that the proper location for the exact same words are at section 121 of the bill, and that the subsequent numbers be renumbered. I have an appropriately prepared motion that will do exactly that, using as the section the exact same words with no change.

Mr. Chairman: Does the member wish to withdraw the amendment?

Mr. Swart: We'll withdraw, if in due course we change it to apply to that later section. I'd prefer that, not that it makes that much difference.

Mr. Ashe: If it's agreeable then, I'll put it when we come to section 121.

Hon. Mr. Welch: But the member has to withdraw it now.

Mr. Chairman: Mr. Swart withdraws? Do you withdraw the amendment?

Mr. Swart: I will withdraw, if it's coming up later. I'll move it myself.

Mr. Stong: Don't forget it later.

Mr. Chairman: Shall sections 95 to 118 carry? Sorry. The member for St. Catharines. What section?

Mr. Bradley: Section 95, speaking to the amendment.

Mr. Makarchuk: It was withdrawn.

Mr. Chairman: The amendment is withdrawn.

Mr. Makarchuk: Where are you?

Mr. Bradley: To the new amendment.

Hon. Mr. Welch: It hasn't been introduced yet.

Sections 95 to 118, inclusive, agreed to.

On section 119:

Mr. Chairman: Mr. Swart moves section 119(2) be struck out and the following substituted therefor: "Any notices required to be posted, published or mailed under this Act, may be printed in both the English and the French languages."

Mr. Swart: The subsection at the present time reads, "Any notices required to be posted, published or mailed under this Act may, in addition to being printed in the English language, be printed in the French language." I just suggest to this House that that wording rather clearly implies an inferior position to the French language. In fact, in subsection 1 of this section, you state: "The minister may by order prescribe the forms required for the purposes of this Act, which forms may be in both the English and French languages."

This may be a very small point, Mr. Chairman, but to many people, especially the francophones in this province, it is a major point at this particular time. It's only a small change in the wording.

It may be said, of course, that if we make this change it doesn't require the printing in the English language. That is true, but surely the municipalities that are going to print these forms will be printing them in the English language in every municipality. I think we can leave that up to their good judgement and we can say that they can be printed in both the French and the English languages. It may be printed in both, rather than giving the obvious inferior position to the French language.

Mr. Ashe: Mr. Chairman, I have to oppose the particular amendment. It's too bad that this kind of situation is brought into it,

to try to suggest that the government is against the French language, or francophone and so on; that, of course, is not the case.

The particular amendment as proposed, first of all does not recognize, whether we like it or not that's kind of the present situation, that English must be one of the languages, must. It is then the option of the council whether they also wish to use French.

I understand from legislative counsel that the use of the word "and" in the amendment—it would say "both the English and French languages"—that under the Interpretations Act "and" can be read as "or," and the option cannot be there. I am told that it must read "English," and then the option is there also to use French. There's no problem with that. We thought it said exactly that, that in any municipality where there was any amount of French or francophone population, that the option is there to use the second language with no problem whatsoever. So on the basis that the proposed amendment is wrong—and I can't use any other word—we have to recommend that it be opposed.

[9:30]

Mr. Breithaupt: May I ask a question with respect to that comment? What I take from your explanation of section 119(1) is that the contents of that subsection only prescribe the form and do nothing at all with respect to the requirement or the opportunity to use either or both of those forms. That is only a prescription at that point and the matter of language choice is solely dealt with in subsection 2. Is that correct?

Mr. Ashe: Yes. I don't want to mislead you in the sense to say that there is the option in the context of using French or English. It must be English plus the option to use French if so desired.

Mr. Breithaupt: Yes, but your situation in subsection 1 is simply the approval of the form which may be used and does not require that both or—I was going to say "either," but I'm wrong in that because subsection 2 does require that English be used and that, in addition, French may be used in the form which you would have approved were you the minister responsible at that point.

Mr. Ashe: That's right.

Mr. Roy: In listening to the explanation, Mr. Chairman, I couldn't help but get up on my feet and make certain comments.

I think it's a step forward to allow the use of French on forms. It was somewhat ridicu-

lous that when you got into areas like Prescott-Russell, where 80 or 85 per cent of the population speaks French and very little English, that all the forms were in English. It's a realization of a situation that does exist. I want to say to my colleagues that it also has been an embarrassment to this province for much too long. It's time we corrected that. I certainly feel it's a step forward.

Frankly, I don't quite understand the subtleties of the amendment as proposed but what was of interest to me, as I understood the parliamentary assistant, was that it requires the use of English in this province. If that is the case, I just want to say I don't particularly take objection to it. Again, while this is a province with an English-speaking majority—and I think I'm just emphasizing the obvious—the fact is that we must be careful when we proceed on something like this.

While I don't take any particular objection to this requirement, I must say I've heard many objections in this province to Bill 101 in Quebec, which gave predominance to the French language in that province. People were critical of that. Again, this was a situation whereby the majority was saying, "You should be proceeding in this way."

I just want to point out that there are certain actualities and factors existing in various provinces which require them to act in a particular way. Let's not be needlessly critical of certain legislation in other jurisdictions. There are certain things about Bill 101 of which I'm extremely critical, but one of them was not that you had to protect certain factors or the language which is in the minority in certain areas in North America.

Coming back to the legislation as such, I think it serves the purpose. Frankly, I don't see the need for the subtleties. Possibly my friend from Welland-Thorold can explain it to me. I don't quite understand what he's driving at with his amendment.

Mr. Swart: I'd like to explain it a little more fully, Mr. Chairman. There's no question that the Act as it stands requires the use of English even in predominantly French areas. Even in an area where 80 per cent of the residents are French, it requires the use of the English language. In no place does it require the use of the French language. It leaves it optional to the municipality.

It makes it fairer if we leave it to the municipality to determine whether you have one language or the other or both in a particular municipality. I am convinced there will be no municipality in Ontario that would use only the French language. I would agree with the parliamentary assistant: in this Act, as it is worded, there is a difference between

the first clause and the second clause with regard to actual interpretation. But if we are interested in bilingualism in this province, and making it clear to the French that they have their rightful place here—a little wording and the end result will probably be very little difference—I think we can show here that we are going to give equality to the two languages in this bill.

It may be subtle, but it is real to the francophone population. They look over this Act and say "Ha! 'require English', in every place, even where it's predominantly French, but they don't require French in any place." It's better if we leave it optional to the municipalities. Let them make the decision based on their own good judgement.

Mr. Ashe: Mr. Chairman, I really don't like having to respond again, but I have to pass on the concerns of legislative counsel that the use of the word "and" can be interpreted as "or"—I am not a solicitor—under the Interpretations Act. That in itself makes it completely wrong.

The other is that it is mandatory that English be used, and the option is there for French. The particular language that's used was apparently thought out very carefully, to be legal and reflect the option for those councils that wish to use the second language.

Mr. Chairman: All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

It is stacked.

Mr. Kerrio: How are you going to have bilingualism if you only print it in French? Use your noodle. That's bilingualism backwards.

Section 120 agreed to.

On section 121:

Mr. Chairman: Mr. Ashe moves that sections 121 to 127 of the bill be renumbered as sections 122 to 128, and that the bill be amended by adding thereto the following section 121: "Counsel of municipality may by bylaw provide for limitations on elections expenditures by or on behalf of a candidate and require the disclosure by a candidate of all election contributions to his campaign in excess of \$100 in the form of money and goods and services."

Mr. Ashe: Mr. Chairman, it's the same words proposed by the hon. member for Welland-Thorold, except changing the other subsections that follow, renumbering them and inserting it in the proper location.

Mr. Bradley: Speaking in opposition to section 121, we in this party agree that

limitation is required on the amount of money that can be expended, and that disclosure is required. The case has been put well for disclosure, in particular because the moneys donated in a particular election campaign at a municipal level are directly to one particular candidate as opposed to being to a party.

Perhaps we could say the ability to influence one individual running for a position of mayor, for instance, is far greater than it is in affecting an entire party in its particular approach to a problem. I think the member for Welland-Thorold has pointed out quite well the instances in which there have been abuses of this. He has pointed out aptly that while a person can't always win an election based on the amount of money spent, it does play a rather important part in a campaign, particularly when one of the candidates may have very little money to spend to expose himself or herself to the public.

Mr. Swart: He might even be a student.

Mr. Bradley: It's a possibility. The problem with it as far as we are concerned—and I think the member has mentioned that he considers it a step in the right direction—is that we don't feel it goes far enough in that it is permissive legislation rather than compulsory legislation. It is our view if we're going to have legislation of this kind for disclosure and for limitation of expenses in the municipalities, it should not be up to the whim and fancy of individual municipalities as to whether they're going to implement this particular regulation.

There would have to be a formula developed as we have federally and provincially and it might have to vary in certain circumstances because there are different-sized municipalities and different expenses that would be incurred, for instance, in Metropolitan Toronto as compared to Essex South or Welland-Thorold or something of that nature.

Because we feel there should be a standardized formula, because we feel it should be province-wide, and because we feel it should be compulsory, we will not support this particular amendment.

Mr. Swart: I regret the Liberal Party has decided that it won't support this. I would point out they've had this particular amendment now for four weeks. There have been all kinds of opportunity to work out a formula, if they were serious about wanting to make it mandatory; yet they have neglected to do this. I point out again that this is a step in the right direction. In another year's time or two years' time or perhaps

even in the spring there may be a private member's bill or something of that nature which can make it mandatory and set up the formula.

To say now they're voting against it because it doesn't go far enough, after having four weeks to move a subamendment to do whatever they like with it, doesn't sound too sincere to me.

Mr. Nixon: Why should you get excited about it?

Mr. Chairman: All those in favour of Mr. Ashe's amendment to renumber sections 121 to 127 say "aye."

All those opposed will please say "nay."
In my opinion the ayes have it.

Motion agreed to.

Section 121 agreed to.

Sections 122 to 127, inclusive, agreed to.

Mr. Chairman: We will leave section 128. I believe it's agreed that the committee will report and then go back into committee and have the bell at approximately 10:15.

On motion by Hon. Mr. Welch, the committee of the whole House reported progress.

Motion agreed to.

[9:45]

HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. MacBeth moved second reading of Bill 112, An Act to amend the Highway Traffic Act.

Hon. Mr. MacBeth: This is, I hope, a tidy little amendment to the Highway Traffic Act. As I say, this is a simple amendment to the Highway Traffic Act to outlaw, I hope, the use on our highways of the radar detecting units that some people carry in their automobiles. It is a bill that is put forward in the interest of safety.

Speed, as we all recognize, is one of the main ingredients towards contributing to highway accidents, and many municipalities, as well as the province, have enacted a good number of speed regulations of one sort or another to control speed, only to find that they are frustrated in their enforcement of these speed regulations by people who buy and use these radar detectors.

To my mind, there is only one reason that a person would have a radar detector as opposed to, say, a CB unit, which has many useful purposes. A radar detector serves only one purpose; that is, to allow the owner or user of that instrument to travel on the highways at a greater speed

and when he finds there is a policeman ahead of him using one of these radar units, or a radar trap as they are sometimes called, then his detector will give him notice of that and he, of course, can slow down and avoid any penalty for speeding. So it really has only one purpose: to allow the user to speed with impunity.

As all hon. members know, one of the recommendations in the recent report from the select committee on highway safety was that these instruments should be banned. I think we need to say little more than what is said in that report. The only compendium I included with this bill was a copy of the report on the select committee recommending that these should be outlawed by our laws.

I have one amendment to put forward in the course of the committee review of the matter. At the present time, I understand that these are outlawed in Alberta and Manitoba as well as in Virginia and, I believe, the District of Columbia. However, there are people in the province of Ontario who manufacture these; they have a good business going for them and they employ some people. Since they are lawful in other jurisdictions, we felt there was no point in penalizing our manufacturers here in Ontario, provided they were producing a product that is legitimate in other areas. So I will propose an amendment to allow them to be shipped across the province without incurring the risk of any kind of penalty.

Apart from that recommendation, which I will put in committee, I have little further to say at this time other than to seek the support of all members of this House for this bill.

Mr. Stong: In rising to speak to this bill, I indicate to the minister support from the opposition side of the House to the amendment to the Highway Traffic Act.

Much has been said in respect to radar detecting devices being devices that interfere with radio frequencies or electrical impulses and, therefore, CBs and that type of device ought to be banned as well. However, in my respectful submission to the House, in support of this bill, the purpose of a radar warning device is one and single; that is, to assist the user to break the law. That is not the purpose of a CB and it is not the purpose of any other type of radio equipment in a vehicle.

Since the sole purpose of the device being described in this Act as a radar warning device is to assist an individual to avoid being detected by a radar trap, it breaks the

law. Any apparatus that is designed to assist people to avoid regulations or legislation of this province ought to be rendered illegal immediately. That is what this legislation purports to do, and because of that we are prepared to support it.

There is one other matter that I would also like to indicate to the minister, and that is with respect to his proposed amendment that a manufacturer in Ontario be permitted to deliver to a consignee outside of Ontario. We would indicate that although the package is sealed—and that is the substantive part of that amendment—we agree. However, I would indicate to the minister that it would be better written by deleting the words “in Ontario” from that particular amendment, so that a manufacturer, say in a province other than Ontario, could deliver across Ontario to a distributor in Ontario or a distributor out of Ontario provided the device remains in a sealed package.

In that type of situation we would have no objection. I think the bill is a good bill, and in principle we are prepared to support it.

Mr. Speaker: The hon. member for Lakeshore?

Mr. Lawlor: Which bill are we on, Mr. Speaker?

Mr. Nixon: The Fuzzbuster.

Mr. Lawlor: I rather guessed that, but it is better to be sure about these things once in a while.

I just recently sent across to the hon. minister an amendment to this particular section. I understand that he is going to bring in an amendment, which shows some degree of enlightenment, but of course it depends upon what the amendment says. It could be even more purblind than the present section. I mean the hon. minister is capable of backward steps.

I would like to bring to the record a few remarks arising out of many hundreds of thousands, if not millions—Eddie Sargent is not here tonight; he never stands up to make a speech, however short, that the word “million” does not creep in somewhere; I thought I would emulate that particular dignified member this evening.

It cost many millions, it is called the McRuer report, on civil liberties and such matters, which I know in our lofty fashion matters very little to us when we are dealing with matters as eminent as Fuzzbusters and the police.

It has to do with the section that is very close to the one we are dealing with tonight.

The section is 110 of the Liquor Control Act. In that particular section it reads as follows: "A constable or the police officer may at any time without a warrant enter and search any vehicle or other conveyance of which he has reasonable grounds to believe that liquor is unlawfully kept or had for unlawful purposes, and search any person found in such vehicle or other conveyance."

At 425 of the second volume—no, the first volume—McRuer has this to say about that kind of thing: "The exercise of this type of power is a definite infringement of civil rights. In Leigh versus Cole, Vaughan Williams, J. referred to the 'degradation of being searched.' Power to search the person should be conferred only with great reluctance and in circumstances where its absence would significantly impede the effective administration of the relevant law. It may be observed that in the enforcement of the criminal law a police officer has no power to search a person except for offensive weapons until a person has been arrested, and even then only in certain circumstances."

That whole section on search and seizure is pertinent here, and I trust that the minister and his staff, in drafting this legislation, took very fine cognizance of what McRuer has to say about these matters. There is a sense in which legislation of this kind does run against the grain and leaves a kind of allov in the mouth.

The society is generally growing somewhat tighter, more oppressive. There is always somebody sticking their nose into your business. There is a sense of weight and oppressiveness coming down on all sides. So it is precisely the jobs of Legislatures and Parliaments to forfend against that and watch it very carefully indeed.

The hon. minister, in this particular area, having a sort of temper that—I trust not like Phil Givens—in his estimates he straddled the fence nightly as between the citizen on the one hand and the power of the police on the other. Unlike Phil, who having been lifted to high eminence and placed gently on one side of the fence, sits there with aplomb and tells us that any word ventured by any member of this House with respect to the basic decencies, and the gentle but velvet hands that exist where he now sits, are not subject to critique much less to criticism. I really feel embarrassed saying at this time anything that would in the least call the police power into question.

These particular nominations bring twists to our tongues.

Mr. Mancini: Not yours.

Mr. Lawlor: In any event, what this legislation does is zero in on a very specific area which it is hard to resist supporting; namely, there isn't any other purpose of having a "Fuzzbuster" than to break the law. I suppose there's a kind of an Irish recalcitrance; it's the mere possession of the thing, whether you turn it on or not, that gives you an opportunity—

Mr. Worton: Have you ever had your fuzz busted?

Mr. Lawlor: —to stick your tongue out. In advance of the event, you feel somehow or other you're thwarting the powers that be. That gives some of us a tickle on occasion. At heart, way down deep, almost undetectable, we're law-abiding and law-loving people. But from that undetectable and unfathomable depth all the way to the surface, we're not. So the little veins of anarchism that run in our nature and which we think give us our sole sense of being free—imagine being free in a democracy—

Hon. J. A. Taylor: Unheard of. It's worse than socialism.

Hon. B. Stephenson: Impossible.

Mr. Lawlor: —tend to peek out in places.

An hon. member: A lot of things in life tend to.

Mr. Lawlor: I can't stand here without allowing the peeking to take place, even if I'm going to support the wretched legislation with a very substantial amendment.

Being able to enter an isolated vehicle parked on some piece of property, with the device in question showing plainly through the windshield, whether the driver or owner is present or not, allowing the police officer the power to break and enter the vehicle in order to remove the wretched and offensive object, that possibility strikes me as going just a step too far. If the purpose and direction of the minister's amendment, as ours, is to remove that, under section 55(1) of the Highway Traffic Act, surely the power goes far enough.

As a matter of fact, it goes much too far, as McRuer points out on the Liquor Control Act and as very well could be pointed out with respect to section 55(1). That's used as a pretext by the police, and all of us know it, whatever the blandishments over there or in the police departments may be. To pursue and stop a vehicle, and claim there is adequate grounds of suspicion and reasonable and probable cause, is something you can't test. As long as it is argued in the courts, or before a justice of the peace, or elsewhere that they, subjectively speaking,

had this feeling on the occasion in question and stopped the vehicle, et cetera, you can't go behind it.

[10:00]

Surely in that type of subjective judgement is the very thing that places our liberties at stake. In other words, what I'm saying is that on some future occasion section 55(1) should be whittled down in order to set up some tests so as to avoid a situation where a vehicle is stopped because it's unsafe, which is the grounds of section 55(1), and then is searched for drugs, liquor, hidden females or any number of other things that seem to invest the sympathies of police officers, who then come up with the fish dangling and say: "Look, it's there," and lay charges of a totally different nature arising out of what was ostensibly a search for a particular purpose because the vehicle was dangerous or something like that. That is a breach of the basic intent, purpose and desire with which these laws have been passed and means a subversion of their very purpose.

That's done every day. All of us nod our heads and wink our eyes and we do nothing about it. Again, that means there is a creeping form of authoritarianism that enters our souls and turns them to iron. We don't like to offend the police powers. After all, they may pick us up as we go home tonight; I don't know on what pretext, but it's so easy to do these days, and we're making it that much more easy under this particular kind of legislation.

In any event, it should be whittled down to relate to the instrument or thing in question, which as manufactured at present is very obvious indeed, and let the police pursue the vehicle or stop the vehicle and with someone present. Otherwise, we're going to need the addition of a different type of an amendment saying that if the police officers break into the vehicle with a crowbar or in any other way and destroy the lock and find nothing there—or even if they do—that the damage, over and above the removal of the Fuzzbuster, must be recompensed to the citizen. There isn't any such thing as that in the legislation, and that's carrying it a little too far.

On these two or three points I would ask that minister give good thought to amending the legislation as it stands.

Mr. Kennedy: Mr. Speaker, as a member of the select committee on highway safety, I support that committee's recommendation for the abolition of the Fuzzbusters. I do, though, recommend acceptance of the proposed amendment by the minister, which will enable Ontario manufacturers to transport

their product to offshore markets, if indeed they do have those markets.

I support the bill. I also support the right of the manufacturers to continue their contribution to the productivity of our economy and that this product be allowed to go beyond our boundaries.

Mr. Roy: Mr. Speaker, I speak in support of the bill, of course. I have had some concerns about the legislation, and I'm pleased to see that the minister will be bringing in an amendment about one aspect of the bill dealing with the transportation of equipment which is not designed to be sold in this province. That certainly makes sense.

My other reservation—and I'm sure some of my colleagues will state this—is that it's another encroachment on our individual liberties. We've heard that before in relation to seatbelts; I suppose if one was to go through the whole Highway Traffic Act or the Criminal Code, one would find encroachments on the liberties of the individual.

I am concerned, as are many of my colleagues here, that we're cranking out more and more legislation affecting in one way or another the freedom of citizens in this province. Having said that, when I first heard about these devices, I could never understand why it was that we permitted in the province an instrument that was clearly designed to circumvent the law.

I want to say to the minister that I recall speaking on this before. This is not a new gadget. This has been on the market now for two or three years. This type of equipment is clearly designed to circumvent the law. Why have the ministry and government people tolerated it for so long? Allowing the manufacturer to export it to areas where it's going to be legal is one thing but not to allow people in this province to have this type of equipment. I understand from some of the correspondence we have received, there are some 75,000 of these units in motor vehicles. Why has the government taken so long to react to something like this?

Mr. Worton: Revenue.

Mr. Roy: Somebody behind me mentioned revenue. I would rather think it's something else and that the people involved with the manufacture and sale might have had something to do with it. I can recall at the very time this enterprising lady in the city of Toronto was involved in the business of the distribution of these instruments, her husband was a candidate for the Conservative Party.

Mr. Worton: What's her name?

Mr. Roy: I always wondered when I saw this because it was inevitable over a period

of time we would be talking about this type of legislation. It's typical of this government that it would wait until 75,000 people or so have the equipment in their cars before moving in. I was looking forward to the day when Mel Lastman would be in here with a terrible conflict of interest speaking for or against this legislation. This would have made for a very interesting situation back home. But, of course, he didn't make it to this place. My colleague from Lakeshore mentioned the fact that the Tories took care in another way of the individual who kept him out.

Hon. Mr. Drea: You don't have a friend at all, do you? Imagine saying that about one of your former colleagues.

Mr. Roy: I would say that about anybody who could be sucked in, who could be lured by the niceties and the goodies offered by those on the other side.

Hon. Mr. Drea: You don't think much of Mr. Givens.

Mr. Roy: I have got to say and I have got to emphasize that where there is unfairness and where the government's action is worthy of criticism is in allowing individuals in this province to sell this equipment for so long and turning a blind eye and now saying to 75,000 citizens or so that the equipment they have paid for is illegal. That's where legislation becomes unfair and that's where in a lot of ways we are retroactively stating that something that was legal yesterday is not legal today.

That's why it's important, when there is an instrument such as this or equipment such as this or an infringement of something that appears to be obvious in relation to our laws, that the quicker governments act the better it is going to be. By so doing the government is giving fair warning and advice to people right away that they had better not get involved in this because it is going to be illegal. However, in this case the government tolerated it for so long that it is unfair now for the people who bought it when it was legal. In that sense, it is unfair. I feel bad about it. I think the government should be condemned for having waited so long to move in.

I am concerned as well as others every time we give the police an opportunity to enter and search motor vehicles without warrants. It's going to be important lest there's some abuse. If we are going to pass legislation, we have got to give proper power to the police and I can't see how we are going to give them any power unless we pass this type of legislation.

I found another thing of interest in read-

ing the comments of Marilyn Lastman, some of which are interesting. She's going to take the minister right to the Supreme Court of Canada. "I will see him in court" was the latest challenge she issued.

Mr. Mancini: Hire a lawyer. Hire the Attorney General (Mr. McMurtry).

Mr. Kerrio: Have her kidnapped again.

Mr. Roy: Maybe the Solicitor General should talk to her and get her to save her money and not to waste it, to look at maybe some other legal device rather than waste it on the lawyers to go to court, to the Supreme Court of Canada. Frankly, somebody should tell her that there is a certain paramountcy involved when it comes to this type of legislation, and that the Legislature, the elected representatives of the people, are entitled to enact this type of law.

I think if you were to speak with her—

Mr. Nixon: Is she going to be able to find a lawyer who will give her the other advice, do you suppose?

Mr. Roy: I suppose; and I don't want to be unduly critical of lawyers, not to my colleague from Brant-Oxford-Norfolk, certainly—

Mr. Nixon: I think if she wants to take it, she'll get the counsel all right.

Mr. B. Newman: I will do it for you.

Mr. Roy: The last thing I want to say about this is in regard to some of the correspondence we have received on it. I think there were a couple of firms involved in the manufacture of the units, and some of that correspondence I found interesting.

First of all they said of the radar devices used by police to catch you speeding, the radar traps, they say: "More bluntly put, police use radar to spy on motorists."

Sure they do; what else is new? Law enforcement people, I suppose to some degree every time they enforce the law are in some ways spying on people; but I find that interesting when they speak of it in that fashion.

Then they go on to say: "Despite the fact that a radar warning system helps promote safe driving by making the driver more conscious of his speed than otherwise he would be, the Ontario Legislature seems to feel that radar receivers are licences to speed and represent a significant danger in Ontario."

What stupidity, really, to suggest that this system in fact was promoting safe driving. Frankly, when you get to a situation where you've got a device which is going to tell you where the traps are, what do you think it's there for? It is to tell you to speed in any place where there are no traps. To

suggest that in fact it is to promote safe driving is really not representative of what the instrument was intended to do.

Then they say: "This device, by contrast, is not a licence to speed. It is a warning device that promotes safety and protects drivers from errors made by police radar." I suppose there are errors. Every time you have any equipment, or any law, it's only as good as the individuals using the equipment or the individuals enforcing the law.

But by and large it's been our experience that police officers working within the law, working either the breathalyser or radar equipment and this type of thing, have been pretty good. To suggest that the device is simply intended to protect one against errors by the police, again in my opinion is ridiculous. Clearly the instrument was intended to circumvent a radar device. Just as a radar device was intended for law enforcement, to get people to follow the speed limit, this was intended to circumvent it. It's purely and simply that; and we should be in support of this legislation.

Mr. B. Newman: I rise to support the bill, but I want to bring to the attention of the minister the embarrassing position that police in border towns are going to be confronted with. Unless you're going to require them to stop every American coming through customs and/or immigration, check that vehicle, tell him to remove his radar detecting device, and either leave it at the customs or leave it with the police officers and then pick it up on his return. Unless you do that I'd be quite concerned.

If you allow them to bring it into the country, then you're going to ask the police to sort of flout the law, not enforce the law. I don't think you intend that to happen at all, Mr. Minister.

I'm also a bit disturbed about what effect it may have on the tourist industry. I would assume that in states in which the device is legal, a lot of those individuals coming into Canada might find themselves in a very embarrassing position, either told to remove that device or to turn around. For good public relations, and for the betterment of the tourist industry, I think you'll find yourself in a very embarrassing position.

I agree with the idea of banning the device, but I wish you could get some way in which you wouldn't put the police in an invidious position as to enforcing the law strictly. If you could find some type of device that could lock or seal the device so it could not be used while they're in the country even though the radar device is in

the car, and then unlock it when he is leaving Canada and returning to the United States, all well and good. I bring this to the attention of the minister hoping he has some answers for the concerns I raise here this evening.

[10:15]

Mr. Gregory: Mr. Speaker, I am very pleased to add a few words in regard to this bill.

I am very pleased that the hon. minister has seen fit to bring it forward at this time. I take a certain amount of pride in the fact that I brought this matter before the Solicitor General back in June 1976 during the committee of supply dealing with Solicitor General's estimates. I can appreciate there has been a thorough investigation since that time to determine the validity of this type of bill.

I think, and I think it has been said by all parties tonight, that there is only one reason for a radar detection device, and that is to escape or to beat the law, to speed and not be caught doing so. I really don't give too much credibility to the remarks about the invasion of privacy. I don't think we would take the same view, if a police officer chose to investigate a car to determine if there was a gun in it, and to my way of thinking this type of device is a licence to break the law. It could be a licence to kill, if a man does it as a result of an accident while he is speeding up and slowing down every time he gets buzzed on his radar device.

I would hope the minister will consider some provision that will enable manufacturers to ship their product out of the province. Just because we decide this device should be illegal and not allowed on Ontario's highways, we can't dictate to other communities.

Mr. Reid: Sin is bad as long as it is somebody else's.

Mr. Gregory: I would expect—if they don't choose to make them illegal, Pat, why should we do it for them?

I suspect if a manufacturer is making these products and they are marketable in some other community, there is absolutely no reason why we should refuse this. I would hope the minister will consider this.

Mr. Mancini: I rise to speak on Bill 112, An Act to amend the Highway Traffic Act. I guess, Mr. Speaker, the main question in this debate has to be why it took the Solicitor General so long to take action. Why did two or three years have to pass, and many hundreds of jobs be created, with many

thousands of these Fuzzbusters sold to the public of Ontario—

Mr. Bradley: They needed a candidate in Armourdale.

Mr. Mancini: —before this government decided to take action. I guess the only reason we are going to allow these instruments, which are not legal in the province of Ontario, to be sold outside of our jurisdiction, is because we are concerned about the jobs that have already been created in our province, and with unemployment the way it is we are willing to sell devices which are not legal in our province to other jurisdictions.

Although I am going to support the amendment, that aspect has a tone to it, Mr. Speaker, that I don't think is very befitting to this Legislature; that is for us to take the attitude that sure it is not legal here in the province of Ontario but we are willing to sell it to truck drivers in Manitoba and to people in the United States. They are certainly going to use these devices when they come to the province of Ontario, and I don't think we should be contributing to help people from outside the province of Ontario to come into our province to break the law.

However, as I have said before, we have put ourselves in this very poor position because of this government's failure to act. Probably one of the most interesting things I have heard in this debate, since it started a couple of weeks ago, was when I was driving up to Cornwall with some of my colleagues and we heard Mrs. Lastman on the radio. She was informing the public how she had three or four letters in front of her written by the member for St. Andrew-St. Patrick, the new Minister of Consumer and Commercial Relations (Mr. Grossman), and the minister at the time was quoted as saying in his letters that he felt this legislation was not needed and it was not necessary.

Mr. Kerrio: Is that true, Larry?

An hon. member: Oh, but it is.

Mr. Mancini: We are glad that the minister who is supposed to be protecting—it just seems funny, Mr. Speaker, that the minister who is supposed to be protecting the consumers would write letters to the effect that these things, which allow people to break the law—

Mr. Kerrio: Are you planning to make Fuzzbusters, Larry?

Mr. Mancini: —are all right to be manufactured and sold here in the province of Ontario but, as we know, I believe the minister has now changed his mind because of pressure from his colleagues and he also is

going to vote with us in the passage of this legislation.

Hon. Mr. Grossman: That was before.

Mr. Kerrio: He saw the light.

Mr. Speaker: The hon. member for Brant-Oxford-Norfolk.

Hon. W. Newman: Oh, we'll be here for the rest of the night.

Mr. Nixon: Mr. Speaker, since the Minister of Agriculture and Food for the first time has deigned to attend an evening session, he will find out what happens here. I thought he would be home milking the cows or whatever he does in the evening when we don't see him around here.

Mr. Speaker: Bill 112, please!

Mr. Nixon: Yes, Mr. Speaker. I would just like to point out to you, sir, that it may well be that this bill will not be necessary since I understand that the police forces are equipping themselves with a new type of radar, shaped like a gun, would you believe? They simply point it at the car and if it doesn't stop—no, no, it's not that. They simply point it at the car, pull the trigger, there is an outburst of energy of some sort and it registers the speed—

Mr. Lawlor: And the car evaporates.

Mr. Nixon: —and the Fuzzbuster or whatever it is doesn't have a chance to warn the driver so that he or she can slow down to evade the collar. There may be some municipalities that are not equipped with this yet, although I understand that a progressive area like Brantford has it. Some of my constituents have been complaining that they feel the police are aiming guns at them; one of them even went into the ditch when she looked up and saw this police car with the big gun pointing at her out the window—

An hon. member: Have you ever seen one?

Hon. B. Stephenson: It is not that big.

Mr. Nixon: However, it is a very effective means, no doubt, of determining the speed. I must admit to certain misgivings in my own mind about the banning of the machinery, because I think the statute will be largely redundant in a few weeks or months. However, I intend to support the legislation even with those misgivings.

Now wasn't that worthwhile?

Hon. Mr. MacBeth: I will be brief in the hope that we can get second reading of this bill this evening.

Mr. Mancini: Tell us how you convinced the Minister of Consumer and Commercial Relations.

Hon. Mr. MacBeth: I appreciate, first of

all, the support that all sides have given to this bill. Most of the remarks I will deal with in the amendments but there are parts that I don't intend to deal with in the amendments. The member for Windsor-Walkerville expressed concern about tourists. I am concerned with tourists as well. The legislation reads: "A police officer may . . ." I understand, as Solicitor General and through the Ontario Police Commission, that I may gently suggest how they deal with tourists without getting myself into trouble and breaking the law. So I think we can handle the tourists all right.

There was criticism that we have been so long in getting this in. I announced it in January of this year, and I admit it has taken us 11 months to do it. The member for Mississauga East did bring it to my attention in June 1976. At that time we really did not think it was a serious threat. Since then we have decided that it was, that these detectors were very effective and that we should do something to outlaw them.

On the one hand the member for Ottawa East criticized me because we are not rushing into legislation. On the other hand the member for Brant-Oxford-Norfolk brought it in too soon. So I can't keep the two of them happy. We have studied the matter, and I think that the 11 months that we took to study it is reasonable—

Mr. Nixon: The gestation period of an elephant.

Hon. Mr. MacBeth: —and if we wait another month or another year, I am sure there may be other means of detecting it but I think we should press on with this bill now.

Motion agreed to.

Ordered for committee of the whole House.

MUNICIPAL ELECTIONS ACT

(concluded)

Resumption of the adjourned debate in committee of the whole House on Bill 98, An Act to revise the Municipal Elections Act, 1972.

Mr. Chairman: There's one section remaining.

Section 128 agreed to.

Mr. Chairman: We have five stacked amendments to Bill 98.

The committee divided on Mr. Swart's amendment to section 22, which was negatived on the following vote:

Ayes 16; nays 60.

Mr. Chairman: I declare the amendment lost.

Section 22 agreed to.

The committee divided on Mr. Swart's amendment to section 24 (a), which was negatived on the same vote.

Mr. Chairman: I declare the amendment lost.

Section 24, as amended, agreed to.

The committee divided on Mr. Swart's amendment to section 41 (2), which was negatived on the same vote.

Mr. Chairman: I declare the amendment lost.

Section 41 agreed to.

The committee divided on Mr. Swart's amendment to section 52, which was negatived on the same vote.

Mr. Chairman: I declare the amendment lost.

Section 52 agreed to.

The committee divided on Mr. Swart's amendment to section 119 (2), which was negatived on the same vote.

Mr. Chairman: I declare the amendment lost.

Section 119 agreed to.

Bill 98, as amended, reported.

On motion by Hon. Mr. Welch the committee rose and reported one bill with amendments.

THIRD READING

The following bill was given third reading on motion:

Bill 98, An Act to revise the Municipal Elections Act, 1972.

On motion by Hon. Mr. Welch the House adjourned at 10:37 p.m.

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 Breithaupt, J. R. (Kitchener L)
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 Edighoffer, H.; Chairman (Perth L)
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 Worton, H. (Wellington South L)



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First Session, 31st Parliament

Tuesday, December 13, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 13, 1977

The House met at 2 p.m.

Prayers.

STATEMENTS BY THE MINISTRY

MENTAL HEALTH SERVICES

Hon. Mr. Timbrell: Mr. Speaker, later this afternoon, I will introduce proposed changes to the Mental Health Act. As hon. members are aware, there have been no major changes to this legislation in the past decade; however, during that time there have been significant changes in the philosophy of the delivery of mental health services.

Eight months ago I asked the Ontario Council of Health, the senior advisory body to the Ministry of Health, to undertake a review of the Mental Health Act. I asked them to study certain specific areas of concern.

The concerns I outlined to the council were: Involuntary hospitalization and the right of the patient; the right of the patient to refuse treatment; the right of the patient to treatment; confidentiality of information respecting the patient; special requirements, if any, with respect to minors; appropriate powers and responsibilities of non-medical staff; management of the estates of current and former patients; examination, care and treatment of persons charged with or, convicted of, an offence; the authority and responsibilities of a peace officer in connection with the apprehension and conveyance of persons for the purpose of the Act; the appropriate extent, if any, of immunity of a psychiatric facility and its staff from liability for injury or damage caused by a patient; and any other matters the council wished to consider.

The issues being considered by the council involve matters of far-reaching consequences. The members of the council will require sufficient time to study and deliberate on these issues, and I believe their report will be a major contribution to the health and well-being of the people of Ontario. I expect the council's study to be completed within 18 months, and I should be able to submit legislative proposals for a complete revision of the Mental Health Act after that time.

However, certain amendments are required before the council reports. You will recall, Mr. Speaker, that on April 14 of this year, I announced in this House my intention to introduce proposals for interim changes on aspects of the Act that require immediate consideration.

There are three areas of particular concern. Civil commitment, which involves involuntary hospitalization and the rights of patients; the expansion of the role of the public trustee to extend to out-patients the same services presently available to in-patients; and confidentiality of records, which addresses the issue of protecting a patient's right to privacy.

Ontario has permitted enforced confinement of a disease or disability of the mind, in the interests of a person's own safety or the safety of others, for a period of up to 30 days. While the ambiguous nature of the word safety gives physicians necessary latitude in judgement, the lack of legislative clarification has resulted in some confusion.

The new section which I'm proposing attempts to set out in some detail the grounds for action by a physician and the nature of the evidence required.

When a certificate is completed pursuant to section 8, the subject of the certificate can be taken to a psychiatric facility for psychiatric assessment and detained there for a maximum of 72 hours. During that 72-hour period, the individual must be either released, admitted informally or admitted involuntarily.

It is important to note that to complete a certificate of involuntary admission a physician other than the one who completed the application must now conduct the assessment. When the certificate of involuntary admission is completed, the subject will now have an immediate right of appeal to a regional review board.

These procedures afford a sharp contrast with the present Act, under which an individual could be held for up to 30 days on the certificate of one physician, with no right of appeal.

Currently, individuals admitted to a psychiatric facility must be examined as quickly as possible to determine their competency to manage their estates. Where they

are incompetent, a certificate of incompetence is issued to the public trustee who assumes responsibility on behalf of the patient.

However, many out-patients due to their incompetence, also need the help of the public trustee, but are unable to qualify. By extending the application of the certificate of incompetence to out-patients, the services of the public trustee will now be made available to more people.

A notice of continuance can permit the public trustee to continue to act on the patient's behalf for three months after hospital discharge. Often this is not long enough, so a mechanism is included to allow the public trustee to maintain control over the estate of discharged persons by applying to the Supreme Court of Ontario. This will avoid lengthy procedures under the Mental Incompetency Act.

Present legislation permits patients to ask a regional review board to inquire into their competence to manage their estates when a certificate of incompetence or a notice of continuance is issued. This provision has been retained. However, current legislation permits only yearly applications by the patient thereafter. This period has been reduced to once in any six-month period.

With the broader range of professionals now working with psychiatric patients, the potential for improper disclosure by mental health workers becomes critical, and legislative action is needed. In a public hospital, for example, no distinction is made between psychiatric patient records and others. The officer in charge of the government psychiatric facility also has broad discretion in releasing information. However, this legislation affects only government facilities. Many other facilities under the Mental Health Act have little or no guidance in this area. This section will now remove this issue from the area of hospital administration and put it in primary legislation affecting the interests of psychiatric patients.

Along with these provisions, forms for consent and research will be devised in the regulations.

Further, mechanisms have been included in the bill granting a court discretion to keep clinical records that could result in harm if disclosed out of court. The great value of medical privilege lies in the inviolable nature of medical confidences, recognized by law and secure from controversy and interference. Legislative action will now bring recognition of such privilege.

A definition of nearest relative is also provided, to make it clear which individuals can be approached in such an instance and in

what order of priority. In regard to this latter concern, the ministry will be issuing directives, consistent with the spirit of this proposed legislation, which will significantly reduce the discretionary powers our psychiatric facility administrators have under the present Act.

We are considering some other interim amendments to the Mental Health Act, in particular the appeal mechanism for involuntary commitment and consent for treatment of the involuntary patient.

Further discussion concerning revisions to the Act is necessary; I have asked representatives from the Ontario Medical Association, the College of Physicians and Surgeons, the Ontario Hospital Association, the Ontario Psychiatric Association, the Canadian Mental Health Association, and the Canadian Civil Liberties Association to meet with staff in my ministry to discuss some of the more contentious areas. I expect to hear from these organizations soon; it is my sincere hope these representatives will be able to resolve these issues.

This bill is introduced at this time for first reading only. In the meantime, my ministry welcomes the suggestions of all interested and thoughtful people. Mr. Speaker, I want to assure the hon. members of my resolve to bring about changes that will reflect the highest standards and values of society, while ensuring the protection and the health of the individual and the community.

ORAL QUESTIONS

JOB CREATION

Mr. S. Smith: Mr. Speaker, I have a question of the Minister of Labour: In view of her letter to the chairman of Metro Toronto dated November 29 in which she said: "Direct government job creation is not a particularly useful instrument for reducing unemployment"; and given her stated preference to rely on the private sector; why does the government not implement our proposed employment subsidy program whereby a portion of the salary of each new employee would be met by the government, since that, after all, is aimed at increased employment in the private sector, especially among small businessmen?

Hon. B. Stephenson: Mr. Speaker, the plan which has been proposed by the Leader of the Opposition as an augmented youth employment program, as initiated by the government this spring and summer, is a very interesting concept—

Mr. S. Smith: After our initial speech in the Legislature.

Hon. B. Stephenson: —but it does have some cost implications. If indeed the government is to restrain itself to growth of spending within a percentage limit as low as the increase in the gross national product, or gross provincial product, and attempt to provide some leadership in the restraint of the growth of inflation it seems to me we must seriously consider such programs, which could potentially add a great deal of cost to the expense of providing government in the province of Ontario.

Mr. Roy: Wasting the taxpayers' money; the Premier is nodding in approval.

Mr. Lewis: You've made a top political decision over there; it's as cynical as it can be.

Mr. S. Smith: By way of a supplementary: In view of the fact that the government already makes certain modest efforts, in the Ontario Career Action Program for instance, and given the problems in Toronto, can she explain why it is that the Toronto area receives only 75 jobs out of the 1,325 that are part of the Ontario Career Action Program in industry? Does she have any plans to tell the chairman of Metro Toronto how to redress that imbalance?

Hon. B. Stephenson: Mr. Speaker, I can't explain to the Leader of the Opposition why the proportion in Toronto is small, since the Ontario Career Action Program does not fall under my jurisdiction. I'm sure the minister responsible could explain that to him, but I can't.

Mr. Lewis: By way of a supplementary, if I may, Mr. Speaker: Does the minister realize that by rejecting Metropolitan Toronto's request for some job creation, even if it is the availability of municipal works projects now on the shelf, at the same time as the Ontario Municipal Board continues to tie up the hearings where other jobs could be created through the construction industry; does she not recognize, given the above factors, that there is not a single, specific, new initiative coming from her ministry to any area of Ontario's economy, despite the accelerating unemployment? Does she think that is conceivable at this time?

Hon. B. Stephenson: Mr. Speaker, the leader of the third party is jumping to a conclusion, which isn't there unfortunately, and that's fairly typical of his reaction at times. We have not rejected, in any way, the presentation of Metropolitan Toronto. My response to Mr. Godfrey specifically stated that we would be more than pleased to have discussions with him and with his group about the possibility of job-creation programs, and

programs which would be of assistance in alleviating the problems of unemployment in this area.

Mr. MacDonald: For what year?

Hon. B. Stephenson: We shall be pleased to do that as soon as I have heard from Mr. Godfrey in response to the letter which I sent him.

Mr. MacDonald: You're talking 1979, that's what you're talking about.

Mr. Mancini: I have a supplementary: In view of the fact the Minister of Labour goes around the province and makes speeches that she can't create any jobs, doesn't she think that's a complete contradiction to the portfolio she holds? What specific recommendations has she, as the Minister of Labour, made to her cabinet? Tell the House, please.

Hon. B. Stephenson: Mr. Speaker, I shall be delighted to be directed by the hon. member for Essex South when he is a member of the government.

Mr. Laughren: That's Tory arrogance.

Hon. B. Stephenson: At the present time, we are making recommendations to the cabinet about which this House will hear in due course.

Mr. MacDonald: Sure, in the year 1979.

Hon. B. Stephenson: They are interesting, and I think imaginative. The member for York South won't be here.

Mr. Lewis: You are a failure as Minister of Labour.

[2:15]

Mr. S. Smith: As a final supplementary, Mr. Speaker: Since the minister referred to the problems of cost with our suggested program of wage incentive subsidy, may I ask the minister whether or not she's aware that approximately 17 per cent of the initial cost would be immediately recovered in terms of tax that would be paid by the newly hired employees? There would also be an additional amount inasmuch as the economy would be stimulated. Furthermore, is she not aware that the cost to unemployment insurance—which granted is federal—which would then be saved by the public would be greater than the cost of the subsidy itself?

Is she not prepared, under those circumstances, to negotiate with Ottawa to recover some of that unemployment insurance saving for Ontario? Why not look at things constructively? Why not do something meaningful to at least try to alleviate the problem?

Hon. B. Stephenson: Mr. Speaker, it is very unfortunate that the hon. Leader of the Opposition is not privy to the discussions which

we do have with our counterparts in Ottawa. They have, I think, been very productive. I think there will be, in the not too distant future—

Mr. Makarchuk: The unemployment rate has gone up.

Hon. B. Stephenson:—some information forthcoming, which indeed will show that we have been using an imaginative approach in an attempt to solve some of these problems.

It is the opinion of some economists and some of those who obviously supplied information to the hon. Leader of the Opposition, that the figures which he has stated are factual and supportable. That is not universally so, but we are very willing to look at them, in fact have looked at them and are in the process of having some discussions with Ottawa about this.

Mr. S. Smith: I will look forward to that report from Ottawa. I am delighted the government is discussing the use of UIC money in Ontario, if I heard her correctly.

RECOVERY OF HYDRO MONEY

Mr. S. Smith: A question on a totally separate matter, Mr. Speaker, for the Minister of Government Services: May I ask the minister whether the material he was kind enough to send me regarding Hydro's involvement in purchasing land for the parkway belt represents the full extent of Hydro's involvement as far as the minister is aware? Further, can he tell us whether all matters in dispute between Hydro and his ministry have been settled; and if not, why not?

Hon. Mr. McCague: Mr. Speaker, I am not aware there are any matters between our ministry and Ontario Hydro that are in dispute. I think what the Leader of the Opposition might be referring to is the fact we have not yet reached agreement on what land Hydro actually is going to keep and what we are going to take back from them.

I am not aware of any disputes; I think there's an understanding that we will meet in January to settle some of these matters or at such time as the delineation of the parkway belt is complete.

Mr. S. Smith: By way of supplementary: If this correspondence does not represent the total amount—it refers, I think to some \$12 million—can the minister tell us exactly the total amount of money involved in these purchases by Hydro of parkway belt properties? Can he further tell us whether any individual parcel of land which Hydro bought in the parkway belt was bought even

though no part of that parcel would be used by Hydro for the transmission line; or is the minister sure Hydro has some use for part of every property purchased? Would the minister table the information I originally requested at the time I last raised the question some weeks ago?

Hon. Mr. McCague: Mr. Speaker, certainly the government has purchased lands in the parkway belt under the distress purchase plan but that does not involve Ontario Hydro. As I understand it, the total purchases to date, and this is probably two or three weeks old, were \$68 million in the parkway belt. That's the most up-to-date information I have. Does the member want to know all the properties that are involved?

Mr. S. Smith: Just to clarify—I obviously didn't ask the question clearly: How much of that \$68 million was actually bought by Hydro? That's the real question I want to ask. How much has Hydro actually spent to buy land in the parkway belt; and did it buy any land no portion of which would be used for Hydro purposes?—in other words—strictly for parkway belt purposes, apart from Hydro's needs?

Hon. Mr. McCague: Mr. Speaker, my understanding is that Hydro did not pay for any lands through which they did not require a right of way. There are two plans. There is the right of way purchase plan and there's distress purchase plan. My understanding is that Hydro have paid \$68 million for properties in the parkway belt to this date.

Mr. Speaker: Did the hon. member for Grey-Bruce (Mr. Sargent) have a supplementary? The hon. member for Scarborough West.

Mr. Lewis: I hope you draw attention to that, Mr. Speaker. It's the first time in living memory the member for Grey-Bruce has declined a request to ask a question.

Mr. Sargent: Just trying to keep to the business of the House.

CHILDREN'S AID SOCIETIES

Mr. Lewis: In the absence of the Minister for Community and Social Services (Mr. Norton), may I ask a question of the Provincial Secretary for Social Development: Does the provincial secretary not think it is time to launch a full examination of Children's Aid Society procedures in the province of Ontario, perhaps through her secretariat, since there seems to be occurring a pattern of unhappy individual tragedies and problems around kids who are either direct

wards of the Children's Aid Society or have been wards of the Children's Aid Society; the latest tragedy being the death of the young child who was involved with the Lambton Children's Aid Society?

Hon. Mrs. Birch: Mr. Speaker, through you to the hon. member, I'm sure we all feel greatly appalled by this latest development in Sarnia. There have only been two times, that I recall in recent months, where the Children's Aid Societies have been involved in this kind of situation, but it certainly is something we will be discussing with the Minister of Community and Social Services.

Mr. Lewis: By way of supplementary, can the provincial secretary recollect that the Peel County Children's Aid Society, I think it is, has had some difficult internal cases; the Toronto Catholic Children's Aid Society has had internal problems; the Ottawa Children's Aid Society staff has requested an inquiry into the activities of the society. Does the provincial secretary not see a pattern evolving in Ontario which suggests it's perhaps time to come to grips, not in a punitive way but an exploratory way, with the fashion in which the Children's Aid Societies are operating, and the direction and expertise which come from the top?

Hon. Mrs. Birch: Mr. Speaker, I will certainly be sharing these concerns with my colleague the Minister of Community and Social Services.

Mr. Roy: By way of supplementary, related to the same problem—certainly an appalling situation: I wonder if the provincial secretary might suggest as well, to her colleague the Minister of Community and Social Services, that he look into the fact that apparently the lawyer acting on behalf of the parents, who were granted temporary custody of the child, was a director of the society. Can the provincial secretary not understand that if there is not legislation dealing with that the court may be under the impression the lawyer in some way represents the views of the society and that there is a conflict of interest involved in that type of situation?

Hon. Mrs. Birch: Mr. Speaker, I'd be very loath to make any judgements on that aspect at the moment. That will be part of the ongoing review by the Minister of Community and Social Services. I'm sure that when he's in the House on Thursday the minister will be reporting what they have discovered with regard to this particular case.

Mr. McClellan: Supplementary: Given this is the third infant death to be before us this year, not the second—Vickie Ellis, Tania La-

sard, and now Kim Ann Popen—would the provincial secretary agree that she ought to recommend to the Minister of Community and Social Services the Children's Aid Societies be directed to take children who have been subjected to child abuse into custody, rather than continuing the current practice of providing treatment to child abuse families, treatment which is clearly incompetent?

Hon. Mrs. Birch: Mr. Speaker, that again is something on which there are many different opinions as to how an abused child should be best treated, whether in the home with the support services being provided or with the child being removed from the family. Again Mr. Speaker, those are questions we will be asking within our policy field of the Minister of Community and Social Services.

Mr. Makarchuk: Supplementary: In view of the fact that there is something wrong with the system and the secretary keeps insisting or telling us she's asking questions, could she tell the House when she's going to stop asking questions and start acting?

Mr. Speaker: The hon. member for Quinte.

Mr. O'Neil: I have a question of the Minister of Consumer and Commercial Relations (Mr. Grossman).

Mr. Lewis: Point of order, Mr. Speaker; I think I have another question.

Mr. Speaker: I believe you have. It's my error.

Mr. Lewis: You will notice how tentatively I put the request.

Mr. Speaker: You are so timid these days.

Mr. Lewis: I am indeed.

Mr. Conway: He's not finished yet.

Mr. Lewis: It is part of the mellowing process, Mr. Speaker.

MERCURY POLLUTION

Mr. Lewis: I have a question of the "minister of management." I would like to ask her what facts were omitted from the report on mercury which she gave us the other day? Did, in fact, the search for information on mercury which the minister referred to continue right through the year 1977? Was 1977 also part of the study the minister reported on?

Bud Cullen does this too; you call him by another name and he won't answer the question. So I will put the question to the Minister of Labour, but there is a lot in common between the policies of this ministry here and Bud Cullen's in Ottawa.

Mr. Warner: They are both indifferent.

Hon. B. Stephenson: The report which was mentioned—or I think maligned in the newspaper article—was a report on 22 autopsies carried out on individuals in the year 1976. That report will be completed by the end of this month and will be published. I did make the statement, not necessarily in the House, but I most certainly made it to the newspaper reporters after, that there are a further number of autopsies that have been carried out in the year 1977, which will be the subject of a further report which will be published some time in 1978.

Mr. Lewis: That is what I was seeking. So it is in fact possible, then, that the reference to mercury poisoning, or consequences of exposure to mercury ingestion, could have occurred in the cases that are forming part of the 1977 report, and that is yet to be concluded?

Hon. B. Stephenson: The information I have thus far about autopsies which have been carried out, postmortem examinations and the careful pathological examination of neuro-tissue, is clearly in support of the thesis that there has, as yet, been no case of mercury poisoning confirmed by any of these examinations. It is, of course, premature to say all of the postmortem examinations for 1977 have been done. We have not reached the end of 1977 yet.

TRAIN SERVICE

Mr. Bolan: A question of the Minister of Northern Affairs: Can he reconcile the statement made today by the general manager of the Ontario Northland Railway that the Northlander service between North Bay and Toronto is to be discontinued effective January 9, 1978, with his answer in the House yesterday to the hon. member for Parry Sound (Mr. Maack), when the minister told him, in reply to the member's supplementary question as to whether or not the minister felt the train from North Bay to Toronto had run long enough to be able to assess its success: "I would have to say, in answer to the hon. member's question, yes, I do think that once we get past the next few weeks we will have some real valuable information on which to make a decision"? How does the minister reconcile those statements?

Hon. Mr. Bernier: I think the hon. member is aware I made a public commitment in Timmins that we would make a decision on the future of that section of the Northlander train by December 15. That was clear and concise.

Mr. Bolan: What did the minister say yesterday?

Hon. Mr. Bernier: It is obvious that this matter will be brought up during the course of my estimates this afternoon. We arranged for the manager of the ONTC to make the statement in North Bay today, consistent with our policy in Northern Affairs, which is to make those statements that affect northerners in northern Ontario.

Mr. Wildman: What about the minister's statement yesterday?

Mr. Bolan: The minister said it would take a few weeks.

Hon. Mr. Bernier: Sorry fellows; that's northern Ontario, and that is where it belongs. It also will be discussed, as has been pointed out, during the course of my estimates this afternoon.

Cabinet has concurred with the recommendation of the commission that this service be discontinued because of the number of points I raised in answer to a number of questions that were raised yesterday in this Legislature.

[2:30]

Mr. Bolan: Supplementary: Could the minister tell us how many jobs will be lost as a result of this political decision of his?

Hon. Mr. Bernier: It is certainly not a political decision. It's a very rational one.

Mr. Bolan: Why did they start it on the day after the election?

Hon. Mr. Bernier: If the member wants to look at it that way, fine, it's up to him. He is certainly not being realistic when he makes a statement like that. I will have those figures for him during the course of my estimates this afternoon.

Mr. Cassidy: I have a question of the Minister of Housing—

Hon. B. Stephenson: Well, such sartorial splendour.

Hon. Mr. Davis: Pinstripes and suede.

Mr. Speaker: Could we have some order?

Mr. Havrot: It's a new image.

Mr. Cassidy: Another blow in the leadership race, Mr. Speaker.

Mr. Speaker: Order.

OTTAWA PUBLIC HOUSING

Mr. Cassidy: In view of the fact that the city council, the community and the elected politicians for the area all support the proposal for 140 units of public housing in the LeBreton Flats area and that it's a project which is integrated with the LeBreton Flats

development in the neighbouring Dalhousie ward, does the government intend to accept or reject the city of Ottawa's request for these 140 units of public housing? Why has the government taken so long to reply to the city's request for that approval?

Hon. Mr. Rhodes: Mr. Speaker, the hon. member knows full well that I have advised the city of Ottawa, as well as other interested groups in the area, that I was not in favour of the proposal that 50 per cent of the housing to be built in LeBreton Flats would be public housing. I have said so quite clearly and quite distinctly to that particular city and to the people who have approached me on the matter. I have also said to the hon. member on other occasions—and I might say, Mr. Speaker, he has agreed—that it is far more desirable to have a more fully integrated community rather than having large blocks of public housing in any one particular area.

Mr. Cassidy: Supplementary: In view of the fact that the proposal that has come from the LeBreton Flats area has broad support within the communities affected and from the politicians affected, and in view of the fact that the housing mix of public housing proposed was required in order to bring the income levels in LeBreton Flats to a comparable mix of the surrounding area and the city of Ottawa as a whole, do the principles of the minister apply in that case as well, or is he prepared to be flexible in order to have a community which is integrated with its surrounding area?

Hon. Mr. Rhodes: Mr. Speaker, the hon. member is giving his particular analysis of how he thinks the particular project should be developed. I have decided that I will not support that sort of density and that number of public housing units in that particular area.

Ms. Gigantes: It's the community which wants it.

Mr. MacDonald: So much for local autonomy.

Hon. Mr. Rhodes: At the same time, I should point out to the hon. member—and I am sure he is well aware of it—that that particular project is an experimental project by the federal government and that we are only participating with them on the development of LeBreton Flats.

Mr. Cassidy: Final supplementary: Does the minister realize that he is injecting a high income luxury project into an area which is now a low income area? Does that represent integration in his view?

Hon. Mr. Rhodes: Mr. Speaker, that is absolutely incorrect. The hon. member knows

full well that nothing has been finally decided in that area—

Ms. Gigantes: It has to be high income housing.

Hon. Mr. Rhodes: —and in communications that I know he has received copies of I have indicated to the proponents of this project that we are quite prepared to look at lesser numbers of public housing but certainly to have it properly distributed throughout the area.

Ms. Gigantes: You accused the municipalities of not being willing to have public housing.

Hon. Mr. Rhodes: He knows that, because he has received all of the copies of the correspondence. In fact, some I have received I think he wrote.

Mr. Roy: Supplementary: In view of the attitude taken by the ministry about the mix to go in that area, is the ministry and the minister himself in fact not using the excuse about the density of public housing in that area so as not to participate in that project? Is it an excuse not to put any funds in that particular project?

Hon. Mr. Rhodes: Mr. Speaker, that certainly is not the case whatsoever. If the hon. member is aware of what is happening—

Mr. Roy: I am.

Ms. Gigantes: Don't you accuse the municipalities.

Hon. Mr. Rhodes: —in that particular project, and I trust that he is, he knows full well that the project has been carried on as an experiment by the federal government, CMHC, and that we have been participating with them. We have, without any question, indicated—

Mr. Roy: You have shown a lack of flexibility.

Hon. Mr. Rhodes: We have indicated to CHMC that we were not in favour of that sort of density, and I don't intend to support it. I think, Mr. Speaker, it is unfair for the hon. member for Ottawa East (Mr. Roy) to come here only on one day a week and disrupt the House.

Mr. Cassidy: You are always finding an excuse to say "no."

Mr. Speaker: Order.

Mr. Roy: The minister shouldn't mislead the House.

Mr. Speaker: Order. Order. If the hon. member for Renfrew South will stop barracking, I will recognize him for a question that he says is urgent.

MAGNESIUM MINING

Mr. Yakabuski: Mr. Speaker, I have a question of the Minister of Industry and Tourism. In view of the fact that Chromasco and its predecessor at Haley Station have mined magnesium ore in Renfrew county since about 1942, and in view of the fact that they have recently entered into an agreement with Sofrem, a French firm, to refine and process magnesium by a new process called Magnetherm, and in view of the fact that they are presently contemplating a \$40 million plant in another province, whereby they would extract the magnesium ore from the sacred soil of Renfrew county and move it elsewhere in Canada for refining—

Mr. Makarchuk: Like Falconbridge is doing.

Mr. Yakabuski: —would the minister put his team and every facility at his disposal, or at the disposal of this government, to work to ensure that the magnesium ore mined in Renfrew will be refined at Haley Station also?

Hon. Mr. Bennett: Mr. Speaker, I would be delighted to make sure that the ministry people are fully informed of the situation, and we will do what we possibly can to make sure the member's request is fully complied with.

Mr. Laughren: Talk to Leo Bernier about that. What about Falconbridge, Leo?

Mr. Martel: Give them some money and watch them locate somewhere else.

Hon. Mr. Bernier: You guys will kill them with your taxes and your environment restrictions.

MOUNT OLIVE OHC PROJECT

Hon. Mr. Rhodes: Mr. Speaker, yesterday the hon. member for Etobicoke (Mr. Philip) asked about the anticipated costs of renovations to OHC's Mount Olive development. The contract for phase one of a major landscaping project was awarded on August 17, 1977, in the amount of \$207,809. The second phase will be tendered next year, and OHC cannot predict the exact cost at this time.

The present phase, which is about 65 per cent complete, includes a number of items. The court yard above one of the two underground garages at this site is being landscaped and provision has been made for planting trees and shrubs and grass areas. New sidewalks will be laid, and waterproofing the existing slab over the garages also is part of the contract.

In addition, Etobicoke has new requirements with regards to fire routes. A fire route will be constructed of lockstone paving.

New hydrants and associated pipes to the west parking lot will be installed. A total of 44 of the row housing units in the immediate area will have five feet concrete porches installed together with railings.

The second phase scheduled to be tendered next year will consist of work similar to that of the current phase. About 30 row housing units are in the vicinity of the second part of the landscaping project. The designs for the second phase have not yet been drawn up.

The hon. member also asked me to confirm or deny whether the renovation work was put to tender. I can state categorically that the work was publicly tendered on July 19, 1977. Besides the public advertisement for the tenders, 34 companies were advised and invited to tender. A total of 25 tender documents were picked up. We received six bids; the successful bidder was from Mississauga and was the low bidder.

LCBO CUTBACKS

Mr. O'Neil: Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations. Can the minister tell us how many employees will be affected by the government's decision to cut back on operating hours in over 150 Liquor Control Board stores across the province? Can he also tell us when this measure is effective?

Hon. Mr. Grossman: I do not have the details with me. I will try to get them for the member Thursday. The proposals are meant as a cost reduction measure which should not substantially decrease the service to the public, nor will it substantially affect full-time staff. I'll get those figures for the hon. member, I hope on Thursday, and he'll be able to assess it then.

Mr. O'Neil: Mr. Speaker, as a supplementary: The president of the LCBO union has informed us that at a very conservative estimate at least 200 temporary and permanent part-time employees will lose their jobs. For many of these people it is their only source of income, and many of those involved are women supporting families; is it therefore government policy to balance the budget at any price?

Hon. Mr. Grossman: Of course that isn't the case. If we were going to do it at any price we could indeed balance the budget, but we're not balancing the budget because we don't think that all risks are appropriate. However, where there's a clear pattern that the usage at a particular outlet is very low, for example on an evening, then I think it's appropriate for the LCBO—and it obviously wasn't me, it was the LCBO—to look at the

usage of the store and not waste money on a large number of employees to serve a very few members of the public.

Those figures will also be available for the hon. member, in terms of the usage of the particular outlet involved; he'll be able to make his own assessment of the decisions made by the board.

Mr. Warner: A supplementary: Does the minister have any possible rationale for cutting back and putting people out of work at this time of high unemployment, particularly when his government has absolutely no answers for creating jobs? How on earth can he possibly start throwing people out of work?

Hon. Mr. Rhodes: The member for Scarborough-Ellesmere should resign, he should resign.

Mr. Warner: Right after the Minister of Housing.

Hon. Mr. Grossman: If, prior to the hon. member's resignation, he wants to suggest to me that it is the function of the Liquor Control Board to take on innumerable persons who are not required, then he ought to make that proposal.

Mr. Wildman: He doesn't say "take on"; he said "don't lay off."

Hon. Mr. Grossman: I think it is incumbent upon the LCBO at all times to run their operations without wasting money where there's a clearly identifiable situation—

Mr. Samis: Eliminate the patronage.

Hon. Mr. Grossman: —in which the numbers of people employed at the stores are far out of proportion to the number of people they're serving.

Mr. MacDonald: Human beings are expendable in the minister's approach.

Mr. Samis: How about the patronage in the whole thing?

Hon. Mr. Grossman: I understand what the hon. member is saying, but he should also recall that the amount of money saved—

Mr. Makarchuk: That otherwise is spent in welfare.

Hon. Mr. Grossman: —that otherwise might be spent in the provision of some useless service might free up some funds for allocation in other areas of the ministry. I am sure the hon. member, and some of his colleagues, would be happier to see some of that money, that is currently being spent needlessly at some LCBO outlets to assist in the sale of liquor to the public, spent in some of the social service areas of the government. I

know I've sat here and listened to the hon. member say that.

Mr. MacDonald: You are cutting back there too.

Mr. Wildman: Can you guarantee that?

Mr. Kerrio: It doesn't work that way.

Mr. McClellan: You're already saving on unspent money in social services.

Hon. Mr. Grossman: This is a measure to make sure we're not having make-work programs in the Liquor Control Board stores in order to free up that same money for use in some of the social services areas and other responsibilities of the government.

Mr. McClellan: You don't even spend what you budget in social services.

Hon. Mr. Grossman: If the hon. members are against us doing that, let them stand up and say so.

Mr. Eakins: Mr. Speaker, a supplementary to the minister: In the minister's list on cutting down hours in regard to the stores, the only one he is closing is in the village of Woodville in Victoria county. Why, after opening this store, would the minister not give it an opportunity to show its full potential? Instead, shortly after its opening he opened another store in this rural area; a few miles away in the village of Cannington, which is in the Minister of Agriculture and Food's (Mr. W. Newman) riding? Why would he open another store in opposition and not give an opportunity for the Woodville store to develop?

Hon. W. Newman: Cannington's a good town to live in, I'll tell you. A lot of good Tories up there too, don't forget that.

Mr. Speaker: Could we have some order? We've got a goodly number of children in the galleries and I'm sure you'd like to create a better impression while they're here than this.

Hon. Mr. Grossman: There's a goodly number across the floor as well, Mr. Speaker.

If the member would like us to review the decision made in the particular store he's referring to—and I don't have the details with regard to it—in order to give the local inhabitants a chance to push usage over the top for this year, then perhaps we'll have a look at it.

[2:45]

As I say, there is absolutely no secret surrounding the figures upon which the decision was made. If the member wants to look at them and to suggest that maybe his good constituents can see to it they consume enough to continue to employ the staff that's there,

then I might ask the Liquor Control Board to reconsider. I can't do it, but I might ask the Liquor Control Board to have a look at those figures again and hear what the member has to say about his desire to stimulate the sales.

Mr. Speaker: We'll have one final supplementary. The member for Grey-Bruce.

Hon. Mr. Rhodes: And here is an expert on the subject.

Mr. Sargent: That's unparliamentary.

Since the minister is so completely fair in his operation and concern for the public, how would he answer this question? During my 14 years here, I've never been able to get a person a job in a liquor store who wasn't a Tory.

Hon. Mr. Crossman: I guess the member doesn't know any Tories or the ones he knows are already employed, but I would invite him to recommend any names he might have. As he well knows, they are hired on the basis of competence and not political affiliation.

Mr. Makarchuk: That is baloney.

Mr. Warner: How can the minister stand there and say that with a straight face?

Hon. Mr. Crossman: I wouldn't be surprised if the most competent people the member knows are all Tories.

Mr. Speaker: Order.

Mr. Cassidy: Why doesn't the minister change that shabby policy?

LAYOFF OF AUTO WORKERS

Mr. Breaugh: I have a question of the Minister of Labour. Since we've already seen a number of layoffs in the auto industry, particularly at Ford in Oakville and at the Chrysler plant in Ajax; and since most of these people are probationary employees who will not be able to participate in the UAW SUB fund but will be directly under UIC after a waiting period, has the minister considered any discussions or any means of rationalizing production to save those jobs we now have in the auto industry itself?

Hon. B. Stephenson: As was requested, I think last week by the member for Hamilton East (Mr. Mackenzie), I have been attempting, in our program to try to find out precisely the reasons for the problem which was demonstrated at the Ford plant, to have a meeting with the executive of that union. I shall be most pleased to meet with the executive of the union at the General Motors plant in Oshawa or in Ajax, if it would be useful, in order to try to develop programs to alleviate the projected layoffs, if that's possible to do.

Mr. Breaugh: Supplementary: Is the minister saying, then, that she would be prepared to meet with the executives of all four motor production facilities—there are more than that in the province—and ask them to change their production schedules so that those jobs may be saved over the winter?

Hon. B. Stephenson: What I said was I would be very pleased to meet with the executives of the unions because they, as the workers, have first-hand knowledge of the ways in which this might be accomplished. I would certainly be willing to act as an intermediary with the companies, if they requested it, to consider the proposals which they have to make in this regard.

Mr. Speaker: The hon. Minister of Labour has the answer to two questions previously asked. Sorry; one final supplementary from the Leader of the Opposition.

Mr. S. Smith: Is the minister totally satisfied with the situation whereby a number of provisional workers were hired for the Ford jobs and were let go, basically because the gamble Ford had made that it could keep the assembly line going at a certain pace didn't pay off? These workers are left now with very little in the way of recourse. Is the minister satisfied that when the fault lies with the company the workers ought to be given no more protection than the present law provides?

Hon. B. Stephenson: If I were perfectly satisfied with the situation we would not be attempting at this point to continue to get more information and to have meetings with the relevant groups at the Ford plant.

We have not found, to my knowledge, all of the information that I think we should have at this point, and therefore we are attempting to find out as much as we can about the construction of the line, the facility itself, whether indeed there is not some adaptability which might be introduced which could resolve some of the problem, including the problem which the hon. member for Hamilton West suggests.

SHEPHERD BOATS LIMITED

Hon. B. Stephenson: Mr. Speaker, on December 5 last, the hon. member for Hamilton East (Mr. Mackenzie) asked me several questions regarding the proposed layoffs of employees at Shepherd Boats in Niagara-on-the-Lake and Smithville, and on December 8 my deputy minister and I met with the president of Shepherd Boats and reviewed the company's situation completely.

After a thorough review, apparently the company came to the conclusion that the continuation of the operations at these two locations could not be justified in the light of the fact that the market in Canada for the two products made at these installations—a 54-foot cruiser which was 100 per cent for export trade, and two models of a 36-foot cruiser, 80 per cent of which was for export trade—could not be justified.

The majority of the boats, as I suggested, produced at these plants are exported to other countries and there simply is not a market at the present time for boats of that size.

The 105 employees in the production unit are represented by the United Steelworkers of America, 20 of them located in Niagara-on-the-Lake and the remainder in Smithville. They are covered by one collective agreement which expires on December 31 of this year, and approximately 75 per cent of the employees were given layoff notices on December 5 to become effective on January 30, 1978. Another group will receive notices on December 12—or have—to expire on or about February 9, and that will leave approximately 10 employees who will be given the appropriate notice preparatory to final shutdown on March 6, 1978.

It's my understanding that certain employers have already indicated interest in employing some of the skilled tradesmen from the Shepherd Boats works in other areas in the Niagara Peninsula and other areas in the province of Ontario, and as well the company is arranging meetings with Canada Manpower and is prepared to enter into a Manpower adjustment incentive agreement as soon as possible.

Mr. Mackenzie: Supplementary: In the discussions with this firm, did the minister get into the fact that Whittaker Corporation, the parent company that's closed it down, is advertising its products heavily in the boating magazines, including 36-foot cruisers that are built at the other two plants which that corporation owns?

Hon. B. Stephenson: Mr. Speaker, it is my understanding that this corporation owns more than just two other plants, not only in North America but in other places in Europe as well, and I gather the hulls which they have been building in Ontario are specific hulls which are not adaptable to the construction of the other types of boats in other areas. We did explore all of the possibilities, all of the permutations and combinations of things which might be done with this plant and with its production, only to find that it was not possible to maintain the plant in its present production capacity

and to employ the people who are there at the present time.

I would have to say that this, it would seem to me, is an example of the retrenchment of a basically American company to the support of workers within the continental United States and in support of its own corporate program.

Mr. Mackenzie: Final supplementary: Is the minister also aware that this same company has done the same thing in the textile field in Marysville, N.B., and is it not worth a further look to see whether or not we are just being made the scapegoats for this corporation?

Mr. S. Smith: It's a branch plant economy, that's what.

Mr. Wildman: Which you guys support.

Hon. B. Stephenson: Mr. Speaker, as I said, we have explored all of the possibilities for these two plants and I can see no possibility of any extension of viability for this company at this site. I am sure that if there was not at the present time some concern about the use of non-renewable energy sources in boat motors, for example, I am convinced that if, indeed, there was more money to be spent generally the viability of this facility could be ensured. I would think that if, indeed, there was some idea that there could be a diversification—

Mr. Speaker: Will the hon. members for Ottawa East and Sudbury East carry on their conversations outside?

Hon. B. Stephenson: Mr. Speaker, it is my understanding that these two installations do not lend themselves to diversification at this point, and it is also my understanding that there simply is not an export market for the types of boats which they are producing at this point. If there are some entrepreneurs here who are interested in developing new hulls and new craft, that facility is available to them, I'm sure.

Mr. Speaker: No more supplementaries. The hon. member for Simcoe East with a new question.

MENTAL HEALTH SERVICES

Mr. G. E. Smith: Mr. Speaker, I have a question of the Minister of Health concerning his proposed amendments to the Mental Health Act. Inasmuch as there is a grey area existing between the Mental Health Act and the Development Services Act, whereby former residents or residents of mental health facilities such as the Huronia Regional Centre may be assessed by ministry psychiatrists as being potentially dangerous, but no provision is given for any ongoing supervision

or security, will these amendments deal with this type of situation and perhaps prevent unfortunate situations recurring throughout the province, as have in the past?

Hon. Mr. Timbrell: Mr. Speaker, hon. members will have a chance to look at the amendments fairly soon. What we've done is to try to clarify the grounds on which a psychiatrist can detain someone as an involuntary patient in terms of potential harm to himself or to others. I would hope that, at least in some small measure, that would answer the problem which the hon. member has raised. I would expect that in putting this over for a couple of months, until the spring session, that's one of the areas that a number of professional groups will want to have in mind when they examine the proposed amendments and give us their comments.

Mr. Speaker, I sent you a note that I have two answers—

Mr. Speaker: The hon. member has a supplementary and then you may give the answers to questions previously asked.

Mr. G. E. Smith: Thank you, Mr. Speaker. In view of the fact I introduced a private member's bill with amendments to the Mental Health Act which I felt would deal with this type of situation—I believe it was in the last Parliament—would the hon. minister have his staff at least assess my proposal and see if it was worthy of consideration?

Hon. Mr. Timbrell: Yes, Mr. Speaker. In preparing the amendments we've looked at a number of earlier proposals, from both sides of the House I might say, and in other jurisdictions.

WHITBY PSYCHIATRIC HOSPITAL

Hon. Mr. Timbrell: Mr. Speaker, on November 24, the hon. member for Oshawa, on behalf of the member for Durham West (Mr. Ashe)—no, I don't think so, but that's what he indicated anyway—

Mr. Breaugh: I doubt that I would do that.

Hon. Mr. Timbrell: —inquired if I would investigate allegations that prisoners from Whitby Jail were performing certain duties at the hospital that had been performed previously by hospital employees.

Since March, 1976, about 15 residents of the Whitby Jail have participated in a program of vocational assessment and training at the psychiatric hospital in Whitby. Participants have been involved in the program for periods ranging from three to six

weeks. Because of the training component requirements, no more than three people have been employed at a time.

Prior to opening hospital job stations, members of the hospital staff employed in the areas were consulted and agreed to participate in providing rehabilitation and work opportunities to jail residents; in fact it was because of their support and commitment to the programs that it has been so successful to date.

The benefit to jail residents is actual on-the-job training in a real-life setting. I might add that no staff was let go from the areas where present jail residents are working; which includes the ground, truck and laundry crews.

NURSING HOMES

Hon. Mr. Timbrell: Mr. Speaker, I'd like to also answer the question asked by the member for Kent-Elgin (Mr. McGuigan) on December 5, 1977, about a newspaper article in the London Free Press. The article alleged that a private home in Chatham township is being operated as an unlicensed nursing home.

This complaint was first brought to the attention of my ministry in April, 1977. An inspection team comprised of four ministry personnel inspected a farm house in Chatham township to investigate the complaint at that time. They were in possession of a court order and were accompanied by the OPP from the Chatham detachment. I understand that the farm is owned by Mrs. Carrie Wilson and her son, Lawrence Wilson. The property has two houses, a small new bungalow and an older farm house. The team had more than an hour's discussion with Mr. Wilson and his mother and then inspected the property.

The unannounced arrival of the rather overwhelming inspection group agitated and alarmed the elderly members of the family in the older home, one male and three females, all interrelated. The nurse inspector was selected to be the only person to enter this home to briefly review the situation. The nurse's entrance further upset these people, so the visit was short and the inspection team decided not to pursue the inspection further.

Although brief, the inspection indicated that the four elderly residents are related to each other. They were all feeding themselves. They were all ambulatory and they appeared generally self-sufficient. My ministry is of the opinion that since these citizens are related to each other, their decision to share

a private home does not constitute a violation of the Nursing Homes Act.

[3:00]

HOME HEATING AND INSULATION

Mr. Reed: My question is of the Minister of Energy: With evidence that there is now some migration in Ontario towards the increased use of electric heat in new construction, as reported in last Saturday's Star, will the minister consider incentives to consumers of electric power, especially for low-grade heat purposes, to utilize the off-peak potential of Ontario Hydro, which presently represents substantial unused capacity?

Hon. J. A. Taylor: Mr. Speaker, I believe this question touches on matters of costing and pricing of electricity as well, which is currently being discussed before the Ontario Energy Board, I hope to have something more in that regard soon. I don't know that I can add much more without a more definitive question.

Mr. Reed: A supplementary, Mr. Speaker; do I take it to mean that the minister favours a move that will provide those incentives?

Hon. J. A. Taylor: The member's question really alludes to the problem we're facing in terms of peaking and the generating capacity necessary when you have to accommodate peak loads. I think the best solution to that is to eliminate the peaking as much as possible; not to find additional use for that particular peak. In levelling that curve we are trying to accommodate that, and that can be done, as I indicated in the hon. member's main question, through the process of addressing the costing and the pricing of electricity, which could include time-of-day pricing. Overall, however, the question we are addressing in co-operation with other provinces in terms of setting up a national energy grid, or even an international grid, is that of determining steps we can take to flatten that curve as much as possible.

DEATH OF LABOURER

Mr. Young: A question, Mr. Speaker, of the Minister of Labour, in connection with the death of Amidio DeAcetis yesterday afternoon in an excavation designed to bring services to the Chalk Farm Public School in my riding: Has the minister determined whether or not legislation or regulations in regard to safety were breached prior to this death?

Hon. B. Stephenson: Mr. Speaker, the inspectors from the construction health and

safety branch of the occupational health and safety division are at the present time investigating this matter. When their report is available, I shall be pleased to share it with the House.

Mr. Young: One supplementary: Has it been determined as yet whether the workman in question was in effect at the bottom of an excavation 12-feet-deep without any shoring?

Hon. B. Stephenson: If that rumour is correct, as the hon. member suggests, then of course that is a contravention of the Construction Safety Act. I do not know that that is factual at this point. When I have that information, I shall be pleased to report it.

RADIATION LEVELS

Hon. B. Stephenson: Mr. Speaker, on December 5, the leader of the third party asked me a question regarding the possible reduction of radiation levels to which workers might be exposed on the basis of an article which appeared in a newspaper. He suggested we should be considering these levels as reported in the newspaper. I have to tell you that I at that point, Mr. Speaker, suggested that we had not been able to get a copy of the paper to which the newspaper article alluded.

I have to report to this House after one week of trying that we still have not been able to receive a copy of the paper. It is said that paper is to be published in a journal, a very reputable journal known as Health Physics, but up to the November issue it has not been so published and it has not been available from anyone except perhaps from a gentleman by the name of Dr. Mancuso, who has not himself been available because he has been out of town.

I should note one thing: radiation standards in this country are not set by the province of Ontario, nor by any province, but by the Atomic Energy Control Board. If we can get a copy of the paper, we will be very pleased to inform them of our concern in this area.

One of the other things the member for Scarborough West suggested was that 40 per cent of the 670 deaths noted in the paper were from cancer induced by low-level radiation at one-tenth of the levels that we permit.

Now I reread that article, and it actually says that 40 of the 670 cancer cases were due to low level radiation, so that would be about six per cent, not 40 per cent. But without seeing the study, it really isn't possible to know the basis upon which it was determined that these six-per-cent deaths

were radiation-induced. We can only presume that it means the researchers found six per cent more deaths than they expected in this particular group. When we manage to get the paper, I shall be pleased to report further in this continuing saga.

Mr. Lewis: Just by way of supplementary: May I suggest, I hope not presumptuously, that the minister do as I did and simply phone Mancuso or write Mancuso and—

Hon. B. Stephenson: We tried that.

Mr. Lewis: Well I did too, and received a copy of the study. It is sitting on my desk. There was no difficulty whatsoever.

Hon. B. Stephenson: Could I have a copy of it?

Mr. Lewis: May I offer the Minister of Labour, and all her vast resources a copy of the study to read?

Hon. B. Stephenson: Yes.

Mr. Lewis: Good, thank you very much. Unbelievable, the whole occupational health branch, unbelievable people.

PSI MIND DEVELOPMENT INSTITUTE

Mr. Sweeney: A question of the Premier, Mr. Speaker: My question deals with a commitment on the Premier's part last May in Kitchener to set up a committee of four deputy ministers to look into the activities of Psi. Two questions: how often has that committee met; and given that the Premier set it up, what has it reported to him?

Hon. Mr. Davis: Mr. Speaker, the hon. member sent me a note from somebody in Kitchener related to a discussion I had during the course of certain events. This organization had something to do with psychological testing or something of that nature.

I don't really recall saying that I would set up a committee of four deputy ministers to inquire into this question. However, since I got the hon. member's note, I am trying to find out what it was that was discussed. If he has any fuller information, I would be delighted to pursue it but I don't really recall saying I would set up a committee of four deputy ministers.

Mr. Martel: What about the Workmen's Compensation Board facilities in Sudbury while you are at it?

Mr. Sweeney: I understand from some of the other ministers that it has been set up. Given we are talking about approximately seven months ago, that the Minister of Health now has medical evidence of a relationship between Psi and mental breakdown, and the they are now setting up children's programs,

would the Premier not be concerned that the time delay is critical?

Hon. Mr. Davis: Mr. Speaker, I will have another word with the Attorney General (Mr. McMurtry). I think there has been some study of this matter; I will talk to the Attorney General to see whether he has any information to share.

As I say, I really don't recall the four deputy ministers that were to meet to solve this problem.

Mr. Conway: The Kitchener voters really shook you up to that extent?

Hon. Mr. Davis: No, no; I think I can recall the meeting. I think I can recall the general areas of discussion—

Mr. Conway: Kitchener is just a little west of here, about 60 miles.

Hon. Mr. Davis: This was really a very specific question raised by a couple of women, if memory serves me correctly.

CANADIAN BANK NOTE COMPANY DISPUTE

Mr. Mackenzie: A question of the Minister of Labour: Can the minister inform the House as to whether she has any additional information on the nine-week strike of some 25 women employees at the Canadian Bank Note Company in Ottawa? Is the minister prepared to use her authority to set guidelines that would assure that any appointed arbitrator would have room to deal with all of the issues in dispute?

Hon. B. Stephenson: The mediator in this instance, and the director of industrial relationship services within the ministry, have had several discussions over the last two or three days with a number of individuals within the striking group, with the executive of the union and others. They are preparing a position which hopefully will lead to a solution to this strike. I am most certainly prepared to do whatever I can to assist in finding the solution to this anomalous situation which must be corrected.

PETITION

HOME IMPROVEMENTS FOR HANDICAPPED

Ms. Bryden: Mr. Speaker, I would like to present a petition, addressed to the hon. Minister of Revenue (Mrs. Scrivener), from Mrs. L. Van Santen and 59 other persons in Toronto who have handicapped persons in their homes or who are handicapped themselves, asking for legislation to exempt from assessment for property taxation those

home improvements which enable handicapped persons to stay in their own homes and operate independently.

REPORTS

SELECT COMMITTEE ON INCO LAYOFFS

Mr. Handleman from the select committee on Inco layoffs presented the committee's report which was read as follows and adopted:

Your committee recommends that its terms of reference be amended as follows:

That the committee shall be empowered to inquire similarly into the layoffs announced by Falconbridge Nickel Limited on December 8, 1977.

Your committee further recommends that its time for reporting be extended to not later than two months from the date of its first hearing; and that if the assembly is not in session, that it file its report with the clerk of the Legislative Assembly and it be empowered to release its report at that time.

ROYAL COMMISSION OF INQUIRY INTO ALGOMA UNIVERSITY COLLEGE

Hon. Mr. Parrott presented the final report of the Royal Commission of Inquiry into Algoma University College.

SUPPLEMENTARY ESTIMATES, MINISTRY OF EDUCATION

Mr. Villeneuve from the standing social development committee reported the following resolution:

Resolved: That supply in the following supplementary amount and to defray the expenses of the Ministry of Education be granted to Her Majesty for the fiscal year ending March 31, 1978:

Services to education
program\$102,825,000

PROVINCIAL AUDITOR

Hon. Mr. McCague presented the annual report of the Provincial Auditor for the year ended March 31, 1977, and asked that it be referred to the standing committee on public accounts to be appointed in the next session.

INTRODUCTION OF BILLS

MENTAL HEALTH AMENDMENT ACT

Hon. Mr. Timbrell moved first reading of Bill 124, An Act to amend the Mental Health Act.

Motion agreed to.

PROGRAM COST DISCLOSURE ACT

Mr. Van Horne moved first reading of Bill 125, an Act to provide for the Disclosure of Information relating to the Cost of Government Programs.

Motion agreed to.

Mr. Van Horne: Mr. Speaker, the purpose of this bill, as indicated, is to provide for the public disclosure of the cost information upon which decisions to undertake certain government programs are based. The bill requires that the estimated total cost of each program be disclosed and provides for additional scrutiny of program operations if the estimated total cost is exceeded.

[3:15]

THUNDER BAY COURTHOUSE

Mr. Speaker: Before the orders of the day and pursuant to standing order 28, the member for Port Arthur (Mr. Foulds) has given notice of his dissatisfaction with the answer to his question given by the Minister of Government Services (Mr. McCague) concerning a government building in Thunder Bay. This matter will be debated at 10:30 tonight.

Mr. Roy: He's not serious.

Hon. Mr. McCague: Where was the member at question period?

ORDERS OF THE DAY

TOWNSHIP OF EAST ZORRA-TAVISTOCK ACT

Mr. Eaton moved second reading of Bill Pr29, An Act respecting the Township of East Zorra-Tavistock.

Motion agreed to.

Third reading also agreed to on motion.

HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 107, An Act to amend the Highway Traffic Act.

Mr. Speaker: Does the minister have an opening statement?

Mr. Cunningham: We cut him off once before.

Hon. Mr. Snow: I wish to advise the House that in committee of the whole House I will propose four amendments to Bill 107, which deals with my ministry's improved axle and gross weight legislation for commercial motor vehicles.

One of the amendments will be to section 74. It is intended to make clear the government's intention to grandfather those commercial vehicles on the road today which are well designed under the present Ontario bridge formula and would lose payload of 1,000 pounds or more under the amendments to Ontario's vehicle weight legislation. This amendment will apply to trailers since these vehicles have a longer economic life than the motor vehicle which pulls them.

Secondly, because of representations made to me, I am proposing an increase in the maximum weight for one axle on a class B highway. The increase will be from 17,600 pounds to 18,000 pounds.

Thirdly, at the specific request of the Canadian Truck Trailer Manufacturers Association, I will propose that certain amendments in vehicle height, weight and length be postponed until April 1, 1978, when metric conversion legislation will be introduced. Specifically, I will propose that the increase in maximum height of vehicles be struck out and that the height remain at 13 feet, six inches.

Also, I will propose that the increased length for single vehicles remain at 35 feet, the maximum length of a trailer remain at 45 feet and the length of a bus remain at 40 feet. I would like to inform the House at this time that certain changes to effect metric conversion with respect to this legislation will be proposed for April 1, 1978.

Mr. Haggerty: That's a waste of money.

Hon. Mr. Snow: Therefore, the final amendment will establish the dimensions to be effective April 1, 1978, expressed at this time in exact imperial equivalents. This will allow the manufacturing industry to gear up for the changeover, knowing what the exact dimensions will be on April 1. This is being done to allow the industry this lead time in planning its production for the future.

I also have been approached by the member for Etobicoke (Mr. Philip) and advised of an amendment which he intends to make this afternoon with regard to tires. I would like to comment at this time on the new single-tire development. It has only been lately that we have learned of a new development in truck tires.

Yesterday morning, I met with representatives of the company involved after receiving from them last Thursday, a letter, advising me of their developments. These new tires, it would appear, might be a practical alternative to the dual tires now in common use. They appear to offer promise of improved fuel economy and better vehicle handling

characteristics. They are being tested under field conditions by one or more major trucking firms at the present time. I believe six or seven units are being tried with these tires.

Today, these tires are manufactured in France by one manufacturer and imported into Canada, although I understand other manufacturers may be involved in the research and development of such tires. Bill 107 will limit the application of these new tires, and axles so equipped will be limited to an axle weight of 19,800 pounds, while the same axle with appropriate dual tires will be allowed 22,000 pounds.

My ministry is extremely interested in learning more about these tires from three points of view: First, the fuel saving they offer; second, their safety characteristics; and, finally, their effect upon our pavements and bridges. To this end, we have had very preliminary discussions with the trucking industry as to how best to organize an objective examination of the three aspects I have mentioned. If such an examination proves the advantages of these tires clearly outweigh the disadvantages, I can assure this House I will eagerly seek amending legislation to remove any impediments to full utilization of the improved tires. However, I must observe that it is unlikely we would permit any increase in front axle weights because of the use of these tires.

In meeting with the representatives of this company yesterday, I assured them of the full co-operation of officials of my ministry in fully examining the potential of this new tire design. As you may know, Mr. Speaker, at Huron Park our ministry has a considerable facility for researching vehicles, tires and this type of thing. We are set up to test manoeuvrability, skid resistance, braking of trucks, anti-jack-knifing and that type of vehicle research. I hope we will be able to co-operate fully if this company brings forward its proposal to have this new tire tested. But at the moment, taking into consideration the extensive damage to our highways that might result from use of this new development, I would not be prepared to accept these new tires in this legislation before we had an opportunity to do any testing.

Mr. Cunningham: Mr. Speaker, in speaking in support of this legislation I'll try to be as brief as possible. I do support this legislation in my capacity as the critic of the Ministry of Transportation and Communications for my party. I would like to draw to the minister's attention, though, several concerns of mine. I might also specifically

involve myself with the issue of the tires which he has just discussed.

I, too, have met with the representatives of the particular company, Michelin of Canada, and I must say I'm impressed with the conclusions they have put to me with regard to these tires. The primary advantage I see, of course, is safety. Thereafter, when properly utilized, I think the tires can effect energy savings of up to 27 per cent for a standard trailer operation. From my perspective, I see that as one of the most revolutionary developments in the transportation industry in modern times.

The minister is aware that these particular tires—these wide-based, single radial tires—are now mandatory in a number of European jurisdictions, specifically Britain, I believe, and some of the Scandinavian countries. Those jurisdictions have found it necessary to make mandatory that these tires be used especially with combustible materials and dangerous commodities. I think the importance and significance of these tires is something the minister should impress upon our federal friends.

I am appreciative that the minister is going to look into the propriety of using these tires. At the same time, however, I am concerned that there may be some reluctance within his ministry to get involved in what is going to be a very complex study. I would say to the minister that short of allowing the tires to be used on an experimental basis, I sincerely doubt that there is any effective method of testing whether there will be more damage to the highways with a wide-based radial than with two bias tires. The high load capacity of these single tires is capable of considerable development in the future. I think this could be the way ahead for the industry in time. A number of large concerns are already involved with these tires on an experimental basis and have been, I believe, since 1972.

I would like to go on the record at this time by saying I hope the minister will come back to us in a short period of time and say they have done some tests and we may allow these tires to be used in a permissive, experimental fashion, because in the long run they are going to be to our advantage.

This particular legislation is appropriate at this time. It's long overdue and generally in keeping with recommendations by select committees to the House. I am pleased to see the grandfathering aspect of section 74, which will not apply any undue hardship to people who have equipment at this time.

I am also pleased there will be a delay in the implementation of the legislation as it

relates to trailer regulations of April 1, allowing the trailer manufacturing industry to dispose of raw materials they already have.

I have several concerns of a technical nature to which the minister might address himself and which would eliminate any questions I might have during the course of committee debate.

Could the minister see we get a more effective definition of what seems an ambiguous term in section 64(b) of the Act; that is, the term "towing vehicle"? I think it should be "towing unit." It might help clarify things.

Hon. Mr. Snow: Which section?

Mr. Cunningham: Section 64(b). Also, in section 65 I think there should be a definition, at least for legal purposes, of what the bill refers to as a "traction engine."

Again, I would comment that I favour the legislation. I am also appreciative of the concept of shipper liability, which is something that people in the industry have been mentioning for a long time. This in itself, in time, will reduce the costs being incurred by the province with regard to the enforcement of legislation, as the shipper now will be co-liable or co-responsible for overloading. I see that as a very appropriate policing mechanism and one which will serve the interest of the Ontario taxpayers.

Mr. Philip: Mr. Speaker, as with the previous speaker, I welcome the grandfathering clause in section 74. It will undoubtedly make the transition easier on the industry.

I welcome the bill. This is a bill of a very complex and technical nature. It's not nearly so complex as the system it's replacing. Up until now, even the courts in their wisdom couldn't understand parts of the existing system, such as the method of dealing with axle weights. This bill, complicated as it is, will go a long way to simplifying our present legislation.

[3:30]

Probably the only ones who lose by this legislation are the legal profession.

The reduction in the confusion will mean less time in courts and, by the same token, enforcement will be much easier. The minor extension in the overall length is not as great as what some in the industry would have advocated. However, I submit the minor extension will add to the safety of the vehicles, particularly those with pup trailers, by permitting them to have lower centres of gravity and thus increasing their stability.

We recognize that a considerable amount of work has gone into this bill. Ministry

officials started discussing the proposed bill about a year ago with people in the industry, and I understand there was some very open and frank discussion, and at times heated discussion, on the matter. Ministry officials had the good sense to respond to the concerns of those involved in the business and incorporate many of their views into this bill.

The result is a bill which is generally accepted by all. While it's not everything that everyone in the industry has requested, it is none the less a bill that is welcomed by those in the industry. I therefore see no reason to hold up the bill unnecessarily.

However, at some time I would like to say to the minister that, as the NDP transportation critic, I would have appreciated an opportunity to become involved with this bill at an earlier date. I recognize that the minister offered his staff to brief me and the Liberal transportation critic. However, this offer was made at the height of the activity in the House.

As the chairman of one committee and as the critic for the ministry whose estimates are currently under debate, I have a very uneasy feeling that I just haven't been able to devote the amount of time to this particular bill that such a complex and technical bill deserves. If the ministry can give the industry almost a year to discuss and study as complicated a matter as this, then surely the minister can give the opposition critics a little bit more time to analyse this type of bill. By the same token, I can't help but think that had this bill been introduced earlier and sent into committee, we might have had more opportunity to have input from those affected.

I acknowledge the fact that after I approached the minister—and I'm sure he had other approaches about the concerns of the Canadian Truck Trailer Manufacturers Association—he responded by drafting amendments to the bill; and he will be introducing these amendments. We certainly appreciate his responsiveness in this case. It saves the unnecessary hassle of opposition critics' having to introduce amendments. Certainly the amendments that the minister is proposing to his own bill will save not only money and materials in the industry but also may well save some jobs.

At the same time, we wonder how many other groups might have concerns that are not known to us. The minister will recall that the Truck Trailer Manufacturers Association only received notice of the bill, and an offer to explore it with them, on November 23. It was only because of the prompt action on the part of the officers of the association that the opposition critics and the minister himself

learned of some of the concerns regarding the bill, which resulted in the amendments the minister is introducing to his bill.

I have some concerns about section 72 of this bill; I have shared these concerns with the minister. At first I had intended to introduce an amendment to this section. However, having had conversation with the minister and hearing his comments in the House in introducing the bill, I have decided it will not be necessary, at least at this time. I feel, as does the Liberal transportation critic, that there is enough evidence to justify experimentation with those tires which carry, in single formation, loads equal to the duals.

The present legislation in Bill 72 is restrictive, notwithstanding the comments and the offers by the minister to meet with the industry and to allow experimentation to take place and to bring in the necessary amendments following the results of that experimentation. While section 72 does not prohibit research on the larger tires on test tracks, in fact, it does prohibit real testing. We welcome the minister's assurance that he will work with the industry to go ahead with testing in the real road conditions that exist in Ontario.

The ministry has failed to show to my satisfaction any reason for banning the larger tires. Ministry officials say the tires may create road damage, but they offer no research to back up that contention.

On the opposite side of the issue, Washington State University has conducted an evaluation on flotation tires used on logging trucks. Professors Alexander and Ekse made comparative studies of rebound and dynamic deflection, and they established that the dynamic forces produced by the twin tires were greater than the forces produced by single tires. Similar research done by the same university showed the larger tires fared better than the others on non-paved roadways.

Other studies, for the most part, have been inconclusive. The fact is that some researchers have concluded—because of the number of variables on highways, including road construction, the equipment being used and climatic conditions—it is impossible to do definitive research. All you can talk about is the effect of a particular tire or load on a particular road in a particular area. Therefore the only way in which we will ever know the pros and cons of the larger tires is to let them be tested in a real situation, namely on the highways of Ontario.

The larger tires allow for increased distances between suspension springs and, therefore provide lateral stability by in-

creasing the anti-roll couple. As a result, I think there are some very serious safety advantages that may occur from the larger tires.

The previous speaker has talked about the experiments, I believe in Europe, concerning the problems of the dual tires in carrying loads that may be of an inflammable nature. An imbalance in the two tires can often result in a fire in one of the inner tires which is not noted. Therefore, the larger tires in those instances may prove to be of a safer nature than the dual tires.

The minister has informed us he is speaking to the officials of Michelin and any other tire company that wishes to conduct this experiment. We are looking forward to questioning him on the results of these experiments. We will be expecting a report from the minister as progress is made in this area.

I have the feeling we may well be back here in the spring session making other amendments as other interest groups discover the full impact of the bill. This might have been avoided had the bill been introduced earlier and sent into committee, and had the members of this House had an opportunity to hear from groups that may not have been contacted.

I realize the minister has contacted the official trucking associations and that his officials have met with them at great length. However, the very fact that the tire manufacturers and the cab manufacturers have had to come to us at the last minute is a clear indication that had this bill been introduced earlier, and had we had an opportunity to discuss this highly technical bill and to have input from those others in the industry aside from the trucking companies themselves or the trucking company associations, we might have ended up with a stronger bill.

Mr. Speaker, I won't delay any longer. This is a bill that is welcomed by the industry. No doubt, it will be welcomed by a good many judges in this province. We are in favour of the bill and we very much welcome the amendments the minister is now proposing to his own bill.

Hon. Mr. Snow: I thank the hon. members for their contribution to this bill. I would like to clarify, if I may, some matters with respect to these so-called new tires proposed by Michelin Tires Manufacturing Company. Don't get me wrong. I haven't anything against Michelin tires. I bought my first set for my own car in 1965, which I believe was the year Michelin introduced tires of their manufacture into this country, and I

have found them to be excellent. In fact, I have been using them ever since. But I do think it would be totally irresponsible for me or my officials to accept into legislation a specification that would allow the introduction of these tires on to our roads when the first we heard of them with regard to wanting to do research or investigation with them was last Thursday when I received a letter.

The company advised me it has only six or seven vehicles in Canada where it has tried these tires. The tires are not manufactured in Canada. They are being imported from France. They do say, rather vaguely, if they are acceptable and if they find them acceptable to the province and to the industry, they would consider manufacturing them here, which would be great.

I was quite impressed with the presentation, brief as it was, discussing the details of this tire. Any new technology we can implement in the transportation industry deserves investigation. The possibility of added safety and fuel savings is certainly worth investigating. I would have to point out to the hon. members, though, that the legislation as written will allow an axle weight of 19,800 pounds with those tires rather than 22,000 pounds. They lose 2,200 pounds on an axle, but I would also point out that our weight legislation in Ontario is considerably higher than in any other province. If any other province allowed them the full weight it allows on dual tires, I doubt they would get 19,800 pounds.

We have no reservations whatsoever in carrying out this study. As a matter of fact, I understand one of our own vehicles, one of our MTC snow ploughs in the Owen Sound fleet, had these tires installed last winter on an experimental basis. I would also like to point out, if in the process of testing and examining these tires it is desired to allow a limited number of vehicles to travel on our highways with the full 22,000-pound weight per axle for testing purposes, we would be able to do this by way of a special permit. We are quite prepared to consider that.

The member for Wentworth North (Mr. Cunningham) mentioned his concern about definitions. I really don't know how else one would define a towing vehicle other than as a towing vehicle. I have consulted with my officials and with the legislative counsel who are here and we have not come up with any better suggestions as to how to describe the vehicle towing the other vehicle other than the towing vehicle.

Mr. Cunningham: The industry calls it a power unit.
[3:45]

Hon. Mr. Snow: I imagine that is what is in our present legislation. The other thing is the traction engine. There are no great number of traction engines being manufactured or hauled on our highways today. There is a provision in the Act for a traction engine. I don't know how long it has been there. The only time they are used on our highways today is for steam era celebrations at Milton or other antique parades. But a traction engine is a traction engine, and it has been called a traction engine for the last 100 years. I don't know how else we could describe it.

In the legislation we have allowed a width of 110 inches without a special permit. It is really almost an obsolete clause in the legislation, but we think it should be there for the few times that we do have traction engines on our highways.

The member for Etobicoke (Mr. Philip) referred to vehicle lengths. In this legislation we are increasing the overall length of a combination of units from the present 65 feet to the new dimension of 21 metres, which I believe is almost 69 feet—68 feet 11 inches and some fraction. This has been done at the request of the industry. Our dimensions are 65 feet at the present time; Quebec and the Maritimes are all 65 feet. Some of the western provinces are 70 feet and some are 65 feet, with the provision of special permits to 70 feet.

With the movement of freight across the border from the western provinces into Ontario, we were approached about a year ago by the Canadian Trucking Association to consider longer lengths in Ontario. It was agreed that a 68-foot length would accommodate the needs of the industry. I believe the select committee also recommended that we should do further investigation on vehicle lengths, although they did not make any recommendation on the length.

For the last six months or so, we have been issuing special permits allowing western Canadian vehicles to come in with the 68-foot length. We have found no problems whatsoever; in fact, my officials advise me that there are numerous safety aspects. So in our new legislation we have provided for this new length and this is, to my knowledge, totally acceptable to the industry.

The hon. member also mentioned he would have liked to be involved in the legislation at an earlier date. I would point out that we did have a considerable amount of

consultation with the industry over a period of time, as he suggested. We were discussing details and philosophies of the new legislation with the industry and they did not see the bill before the members of this House had seen it.

It is certainly not my policy to submit to a group the final draft of any legislation before it is introduced into this House. I did offer to have my officials meet with the opposition members, if they wished, to answer any detailed questions. This is a detailed bill and I realize it has not been easy with the time constraints.

I believe there are four trailer manufacturers in Ontario; at least there were four that we heard from. We met with the industry, and their concern is with the change-over and the timing of the change-over to the metric system. One of the companies was anxious to have it as in our bill; the other three wanted the delay.

I think we have been able to settle both interests, because we have continued the present lengths until April 1, 1978, as requested by some of the manufacturers. Many truckers have told me they are delaying ordering equipment until these new lengths are final. So rather than delay the ordering of equipment and cut down on the work in the plants any longer, in this amendment that I will introduce we have also put in the new lengths, not in metric but in direct hard imperial conversion, and they become effective April 1. So we've covered both and I think the trailer companies will be quite happy with—

Mr. Makarchuk: Didn't they ask for July 1?

Hon. Mr. Snow: April 1 was the request that I had, and April 1 is the planned metric conversion date for all other metric measurements relating to the industry.

I would like to point out that for consultation purposes the trailer manufacturers' association was given the first draft of our proposed material for the change of the legislation in March 1977 and a second draft in April 1977. So I'm a little bit at a loss as to how one can say they did not know of the legislation until it was introduced. They certainly were consulted, as was the Ontario Rubber Association, which is one of the industry associations that my officials consulted in the final development of this legislation. Unfortunately the tire company that has been mentioned here today is not a member of that association, I believe.

Motion agreed to.

Ordered for committee of the whole House.

HIGHWAY TRAFFIC AMENDMENT ACT

House in committee of the whole on Bill 107, An Act to amend the Highway Traffic Act.

On section 1:

Hon. Mr. Snow: Mr. Chairman, I have an amendment to section 1. Some of these amendments are quite lengthy. I hope you will bear with me.

Mr. Deputy Chairman: Hon. Mr. Snow moves that subsections, 5, 6, 7 and 9 of section 65 of the Act, as set out in section 1 of the bill, be amended by striking out "36 feet 1 inch" in the third line of subsection 5 and inserting in lieu thereof "35 feet"; and by striking out "45 feet 10 inches" in the third line of subsection 6 and inserting in lieu thereof "45 feet"; and by striking out "41 feet" in the first line of subsection 7 and inserting in lieu thereof "40 feet"; and by striking out "13 feet 7 inches" in the second line of subsection 9 and inserting in lieu thereof "13 feet 6 inches."

Motion agreed to.

Section 1, as amended, agreed to.

On section 2:

Mr. Deputy Chairman: Hon. Mr. Snow moves that Bill 107 be amended by renumbering sections 2, 3 and 4, as sections 3, 4 and 5, and by adding thereto the following section:

"2. On the first day of April 1978, subsections 1, 2, 5, 6, 7 and 9 of section 65 of the Highway Traffic Act as re-enacted by section 1 of this Act are repealed and the following substituted therefor:

"(1) Subject to section 66, no vehicle shall have a greater width than 102 23/64 inches while on a highway except.

"(a) traction engines may have a total width not exceeding 110 15/64 inches, or

"(b) motor vehicles and road maintenance machines operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway where such vehicles are engaged in road maintenance including the removal of snow from a highway.

"(2) Subject to section 66, no load on a vehicle shall have a greater width than 102 23/64 inches while on a highway except

"(a) loads of raw forest products which shall have a greater width than 102 23/64 inches at point of origin and which shall not exceed a total of 110 15/64 inches at any time during transit or,

"(b) loads of loose fodder.

"(5) Subject to section 66, no vehicle other than a fire apparatus, a semi-trailer or a bus,

including load, shall exceed the length of 36 feet one and 1/16 inches while on a highway; and no combination of vehicles including load coupled together shall exceed the total length of 68 feet 10 49/64 inches while on a highway.

"(6) Subject to section 66, no semi-trailer, other than a semi-trailer designed for the carriage of vehicles, shall exceed the length of 45 feet, 11 and 11/64 inches while on a highway; and any extension in the length of a semi-trailer caused by auxiliary equipment or machinery that is not designed for the transportation of goods shall not be included in determining the length thereof.

"(7) No bus shall exceed the length of 41 feet and one-eighth of an inch while on a highway but an increase in the length of a bus caused by the addition of a liquid-filled or other energy-absorbing bumper, shall not be included in determining the length of the bus.

"(9) Subject to section 66, no vehicle, including loads, shall have a greater height than 13 feet seven and 3/8 inches while on a highway."

Mr. Makarchuk: Mr. Chairman, I just want to clarify, with the minister, a representation that was made by the truck trailer manufacturing association. I'm referring to the letter that was sent to the minister on December 2. On the second page of the letter it said: "The whole new implementation of the new regulations shall not take place until July 1, 1978." As I understand it, his amendment reads, "April 1, 1978."

Could he explain whether in effect he is implementing what they are talking about in the letter—perhaps not in this amendment but in some future amendment—or has he come to the conclusion that it should go in on April 1?

Hon. Mr. Snow: Mr. Chairman, I didn't attend the meeting with this group, but I personally discussed the matter, by telephone, with three of the manufacturing companies. They indicated to me they were expecting the change to metric measurement on April 1 and not on January 1. They all indicated to me that April 1 was acceptable.

When the letter did arrive, after all these discussions had taken place—in fact, I asked the association to submit a brief—I believe it did say July 1, but there certainly was no indication that April 1 was not acceptable.

April 1 is the date scheduled by the Canadian Metric Commission, for all provinces to implement metric measurements in this type of legislation. If we extended it beyond, I'm sure it would only delay the

trucking companies from ordering equipment. Regardless of what happens, I'm sure there are going to be some vehicles being manufactured now that companies, who want that extra length, just won't buy. They're going to wait until April 1.

If we were to delay implementation until July 1, companies would get by with the equipment they've got until they could get the new lengths on July 1. So I think it's imperative that we implement this within a reasonable time. I can certainly accept the three-month delay but I wouldn't recommend any more.

[4:00]

Mr. Makarchuk: I'm not sure whether the minister talked to the manufacturer I've talked to—I refer to Trailmobile, which has a plant in Brantford—but in my discussions with the people there, I was a bit alarmed that they felt certain companies had a sort of an "in" with the ministry. They felt certain companies were aware of what was going to happen, whereas other companies had not received this information, and that this is the reason they wanted an extension of the date to July 1.

If the minister can give me assurances that he has discussed it with them, and they are happy with the April 1 date, I am not too concerned about it. However, all the information I received from them indicated they would need to have until July 1 to be able to retool and to be competitive in the business for various technical reasons.

They also felt there was some undue competition involved in this case because certain firms seemed to have an "in" or were aware this kind of change was going to come about, while other firms were not aware of this information. Consequently, I feel this element of unfairness—and it may not be legitimate—when the government takes the side of one firm is not necessarily in the best interests of anybody in this province.

The other thing pointed out to me was there's a possibility that because there isn't an adequate delay, there may have to be some layoffs of people in the plant. Again I am sure the minister is not interested in seeing this happen. Do I have assurance this is not going to happen?

Hon. Mr. Snow: I cannot give the hon. member an assurance there will not be any layoffs in any plant today. I can almost assure him that if we do delay the implementation of this until July 1, there will be layoffs. The trucking companies just will not order units today under the 65-foot legislation if on July 1, or the way the legis-

lation is, on April 1, they can get units of 69 feet 10 and 59/64 inches. I am sure there could be a much higher risk of layoffs. I hope there will be none in the industry, but I am sure there would be a much higher risk of layoffs if the date were delayed.

I would also say that if any company tells you it is not aware of proposed metric measurements coming into force on April 1, they must be living in the dark ages. The schedules for metric conversion set down by the Canadian Metric Commission have been around for some years.

Mr. Makarchuk: It's not that they weren't aware of the fact that metric conversion was going on. It seems they weren't aware of what the exact sizes were going to be when we do get into metric conversion.

I would assume the minister knows what he's talking about. However, what bothers me about this whole problem is that the manufacturers themselves have said they would prefer the July 1 date. Obviously they know what's best for their business or they know their business or the minister knows their business. What I'm being told here is that the minister is convinced in his own mind there will be no problems with the April 1 date. I hope he is right, because he certainly has the clout to put this in if he wants to.

Mr. Philip: Mr. Chairman, the kind of confusion surrounding this is a good example of why we would have been in much better shape on this bill if it had been introduced a little earlier and if we had an opportunity to examine it in committee and hear from the various groups that might be interested in the bill.

Having said that, and not wanting to belabour the point I made earlier, I wonder if the minister can answer a question. Having had discussions with people in the industry, and then receiving the letter from the association with the recommendations of the July 1 date, did the minister respond to that association and double-check his communications with the industry? Obviously his understanding was they understood the April 1 date. Their understanding in the letter seems to indicate the July 1 date. I am wondering what steps he took after receiving the letter to get back to the industry and straighten out that confusion.

Hon. Mr. Snow: I spoke personally with three of the companies. My staff met with all four companies, which I believe were present at the meeting when this was discussed.

Mr. Philip: A further question: Did the minister meet with them after he received the letter in which the date of July 1 was put?

Hon. Mr. Snow: I can't say for sure. I don't keep a log of every telephone call I make and the dates that I talk to people. But it was all within the same short period of time.

Mr. Makarchuk: I presume the minister did reply to this letter that was sent to him from the trailer manufacturers' association on December 2. There must have been a reply from his office. What did he tell him and did he receive any kind of comment on his reply?

Hon. Mr. Snow: I don't recall replying to the letter. We had a meeting with them immediately following that—or at that time. I believe the meeting was set up when I talked personally to the presidents or sales managers of the three companies. I asked them to put it in a letter, but I immediately asked my staff to set up a meeting with them. That meeting took place about the same time as the letter arrived, I believe.

Mr. Philip: I wonder if somebody on the minister's staff can give us the information as to whether or not, after receiving that letter, anybody on his staff or he personally contacted the industry and straightened up the confusion over the date. Surely there must be somebody on his staff who has that information and can supply it to us and get rid of the confusion we have over that item.

Hon. Mr. Snow: Unfortunately we don't have the files and the copies of the letter and our appointment books with us here in the House. I assure the member there has been proper consultation with these people, and I assure you, Mr. Chairman, that if we were to delay the implementation of this until July 1, there would be havoc in the industry right now.

Mr. Philip: No one is advocating, I think, delaying it until July 1. I certainly accept all the reasons the minister has given as to why it needs to be implemented on April 1. It's a matter of clarifying whether the industry understands those reasons.

Motion agreed to.

Section 2, as amended, agreed to.

On section 3:

Mr. Deputy Chairman: Hon. Mr. Snow moves that section 74 of the Act as set out in section 3 of the bill, as renumbered by amendment by this committee, be amended by adding thereto the following subsections:

"(2) Where the weight permitted under clause (c) of subsection 1 is the least and where the weight permitted a vehicle or com-

bination of vehicles under this subsection as it existed on the 31st day of December 1977 exceeds by 1,000 pounds or more the weight permitted under subsection 1 on or after the first day of January 1978, the minister may grant a special gross vehicle weight authority permitting the vehicle or combination of vehicles to operate on a class A highway at the gross vehicle weight set out in the authority, but no authority issued under this subsection shall permit a gross vehicle weight in excess of 140,000 pounds.

"(3) Subsection 2 does not apply.

"(a) in respect of a single commercial motor vehicle other than a tractor which was manufactured after the 31st day of March 1978, or

"(b) in respect of a combination of a tractor and other vehicles, the vehicle attached to the tractor which was manufactured after the 31st day of March 1978.

"(4) An application for an authority under subsection 2 shall be made in accordance with the terms and conditions prescribed by regulation and shall be made not later than the 30th day of June 1978.

"(5) The driver of a vehicle or combination of vehicles being operated on a highway under an authority issued pursuant to subsection 2 shall produce when demanded by a police officer or an officer appointed for the carrying out of the provisions of this Act the authority or a true copy thereof.

"(6) Every person who operates or permits the operation of a vehicle or combination of vehicles under an authority issued pursuant to subsection 2 where the gross vehicle weight exceeds the gross vehicle weight permitted by the authority is guilty of an offence, and on summary conviction a fine shall be imposed as if the person had not been issued the authority and had been convicted of an offence under subsection 1 in respect of any gross vehicle weight in excess of the weight permitted under subsection 1.

"(7) Where a vehicle or combination of vehicles for which an authority is issued pursuant to subsection 2 is operated upon a highway while the weight of the front axle of the vehicle or combination of vehicles varies by more than 1,000 pounds from the weight specified for the front axle on the authority, then the authority shall be deemed to not apply.

"(8) An authority issued under subsection 2 expires on the 31st day of December 1986.

"(9) The Lieutenant Governor in Council may make regulations prescribing

"(a) the manner in which an application may be submitted and the information to be provided;

"(b) the conditions precedent to issuance of an authority pursuant to this section;

"(c) the conditions attaching to an authority issued pursuant to this section;

"(d) fees for processing applications; and

"(e) the gross vehicle weights to be set out in any authority issued pursuant to this section and the method of calculating such weight."

Hon. Mr. Snow further moves that subsection 2 of section 76 of the Act as set out in section 3 of the bill be struck out and the following substituted therefor:

"(2) For the purposes of this section the minister may designate by regulation the date on which a 'freeze-up' shall commence and the date on which a 'freeze-up' shall terminate."

Hon. Mr. Snow further moves that section 76 of the Act as set out in said section 3 of the bill be amended by striking out "17,600" in the third line and inserting in lieu thereof "18,000."

Motion agreed to.

Section 3, as amended, agreed to.

On section 4:

Mr. Deputy Chairman: Hon. Mr. Snow moves that section 4 of the bill, as renumbered by amendment by this committee, be amended (a) in subsection 1 by striking out "2" in the second line and inserting in lieu thereof "3"; and (b) in subsection 2 by striking out "2" in the first line and inserting in lieu thereof "3."

Hon. Mr. Snow: This is just to update the numbering of the sections.

Motion agreed to.

Section 4, as amended, agreed to.

Section 5 agreed to.

Bill 107, as amended, reported.

HIGHWAY TRAFFIC AMENDMENT ACT

House in committee on the whole on Bill 112, An Act to amend the Highway Traffic Act.

Mr. Cunningham: Mr. Chairman, with your permission I would—

Mr. Deputy Chairman: I recognize the Solicitor General unless you are on a point of order.

Mr. Cunningham: I was just going to indicate, possibly on a point of clarification, that we would agree to third reading of Bill 107 at this time.

Mr. Deputy Chairman: We are now in committee and the Solicitor General has an amendment to put.

Hon. Mr. MacBeth: If you want to go that far, Mr. Chairman, I am pleased to make my amendment. My amendment has to do with the addition of subsection 6. If there are no questions to that point I would be pleased to make it.

On section 1:

Mr. Deputy Chairman: Hon. Mr. MacBeth moves that subsection 52(a) of the Highway Traffic Act as set out in section 1 of the bill be amended by adding thereto the following subsection:

"(6) Subsection 2 does not apply to a person who is transporting radar warning devices in sealed packages in a motor vehicle from a manufacturer to a consignee.

Hon. Mr. MacBeth: Mr. Chairman, this will permit the people who are making them in the province at the present time to transport them without being in contradiction of the statute.

Mr. Deputy Chairman: The words "inside Ontario" and "outside Ontario" in your printed amendment are taken out?

Hon. Mr. MacBeth: Yes. I understand there are distributors in Ontario who distribute to the United States.

[4:15]

Mr. Stong: I am glad that the minister, in preparing his amendment to this Act, did delete the words about Ontario for the very reasons he has stated. In my opening remarks on this bill yesterday, I indicated we were concerned about distributors being in Ontario. So long as the radar detecting device remains in its sealed package, I think the import of the Act is carried out. We will support the amendment as the minister proposed it.

Mr. Lawlor: I indicated on second reading we had an amendment to subsection 3. I won't discuss that now, Mr. Chairman. I would like to come back to it after discussing what is actually before us. I suppose again you are giving us tough nuts to crack, Mr. Minister, and you are withdrawing some of the chestnuts out of the fire before they really blaze up. Graciously, I suppose, at Christmastime, Bills 113 and 114 have disappeared from the order paper; I suppose in a way that is all to the good. I can understand Bill 114 being taken off. I simply don't understand why Bill 113 should be taken off.

Hon. Mr. MacBeth: Bill 114 is the only one that was taken off. We meant to go ahead with Bill 113 but, because proposed

amendments were not acceptable, we don't intend to proceed with that.

Mr. Deputy Chairman: Could we stick to Bill 112? That is what is before the House at the moment.

Mr. Lawlor: I will have a private conversation with the minister on Bill 113, thank you, Mr. Chairman.

There is a certain amount of hypocrisy involved in this. We all feel the pinch, to say the least, of unemployment in Ontario et cetera, but it is kind of like giving a carte blanche to raise marijuana on all the deserted lots in Metropolitan Toronto for export to Turkey. We can't touch the heinous substance ourselves, but we can make it available to numerous others who are not as enlightened as we are in this province, and so manufacture the Fuzzbusters and let all the benighted heathens in the hyperborean regions thereabouts—Michigan, I suppose, or other places—be the beneficiaries of what we can't stomach. From that point of view, one has real reservations about that particular move. However, in the interests of saving time and not flagellating the minister too much this afternoon, I'll let that go with the indication that I would like to come back on that subsection.

Motion agreed to.

Mr. Deputy Chairman: Mr. Lawlor moves that subsection 3 of section 52(a) of the Act, as set out in section 1 of the bill, be deleted and the following be substituted therefor:

"A constable or police officer may, provided he has reasonable grounds to believe that a motor vehicle is equipped with a radar warning device, require the driver of any such motor vehicle to submit such motor vehicle to an examination and may seize and take away any radar warning device found in or upon said motor vehicle."

Mr. Lawlor: The minister and I had a brief discussion last evening about this amendment. It's his submission that subsection 3 in its wording encompasses subsection 2. The minister has a peripheral point which disappears as you look at it more closely into the distance, into a fog. I admit there are probably grounds of legitimate difference between us on straight wording, on the semantics of the thing, but it is sufficiently serious for me to press the point at the present time.

Subsection 2 reads: "No person shall drive on a highway a motor vehicle that is equipped with or that carries or contains a radar warning device." Subsection 3 goes on: "A police officer may at any time, without a warrant, enter and search a motor vehicle

that he has reasonable grounds to believe is equipped with or carries or contains a radar warning device contrary to subsection 2."

I am going to pause there because it seems to me, on a proper English parsing of the phrase "contrary to subsection 2," that the phrase or subclause has reference not necessarily to the driving but to the presence of a radar warning device. The emphasis falls on the wrong place. If the minister sees that particular semantic point, then he will—

Mr. Lewis: It's not semantic; it's semiotic.

Mr. Lawlor: As my leader says, it's a semiotic point and a meaningful point.

Mr. Lewis: Absolutely. It is profound and insightful. You deal with illiterate legislative writers.

Hon. Mr. MacBeth: I rely on lawyers rather than literary people. That is my problem.

Mr. Lawlor: I don't know if the minister gives any credence to that at all, but I submit he has to do, because his response has been that the thing we are seeking to do in the deletion is precisely what his intention is, but that is already accomplished. If he is convinced that it fails in accomplishment on this kind of wording, then we are back to square one, saying that vehicles which are stationary with no driver or owner present whatsoever, vehicles sitting out somewhere, may be broken into by the police officer, given complete legitimacy under the section as it now stands, and the device in question removed without any compensation vouchsafed to the individuals whose vehicles are being so treated. I am sure no one wants that. Even however benighted our civil liberties may be in this province at this stage, no one wishes to extend such powers to damage property in order to effect the purpose that would be envisaged, if what I say has virtue.

I can only reiterate that on any sensible reading or in any event if it is ambiguous, if it permits of a second reading and if the police department and the courts could legitimately construe the clause along the lines I have indicated, then it is in our power here and now to remove and make it crystal clear. That is our responsibility so to do.

If the minister accedes to the basic propositions being put forward, then I would ask him at this time to lift the veil, to make it sensible and wholly meaningful as things stand, by moving either to the wording as I have presented it to the House or to some other form of wording that is more palatable to him, but not the very wording we have before us at this time which, I predict, will lead us into severe difficulties and require

the minister to bring back this section, probably in the spring session, to alter the wording and to clarify the intent of his legislation. None of us in this House wishes to pass legislation which on its face and even on interrogation is confusing or misleading or leaves the room open to acts, that can take place and be justified on the wording, which we would not want to see brought to pass.

If there's any modicum of common sense in what I'm saying in this particular regard, I would seek to prevail upon the minister to either adopt the amendment or introduce an amendment of his own in this particular regard. I prevail upon him to do so, not in terms of good cheer but in terms of good law.

Mr. Stong: With respect to the amendment that is proposed by my friend from Lakeshore, I might say, as I read Bill 112, the substantive offence is created by subsection 2. It's a moving offence.

I know my colleague from Lakeshore is concerned about stationary vehicles. It's obvious from a reading of subsection 3—and I might say the member for Lakeshore gave me the benefit of having his amendment earlier than just this afternoon; I received it from him last night—that subsection 3 refers back to the substantive offence, which is a moving offence.

Inasmuch as it does refer to subsection 2, the police officer acts at his own peril and his own risk if he does take action towards the stationary vehicle. Not only that, but subsection 3, as it is written in the bill, requires that the police officer have reasonable grounds to believe that the vehicle—and that's a moving vehicle or a vehicle in which there is a driver—contains a device as defined in subsection 1. If the officer cannot demonstrate a reasonable belief, he acts at his own peril and the victim, or the owner of a parked car, is thereby protected by this legislation, as it is already written.

The difficulty I have with the amendment offered by the member for Lakeshore is that it casts another duty upon an already overburdened police force. It requires a police officer to use his time in another administrative function; that is, to require the driver to attend at a service station or other area for an inspection and a subsequent follow-up. In other words, to use his time, at taxpayers' expense, to follow that vehicle through an examination centre, a service centre or whatever. I think the police department has enough duties now and does not need the extra burden of becoming a mechanical inspector.

In that sense, I think the legislation as it exists is sufficient to meet the exigency brought forward by the member for Lakeshore, namely the stationary vehicle because, in my estimation, a police officer can only act in relation to a moving vehicle pursuant to the Act as it is written.

Mr. Lawlor: Without prolonging the fuzz, or fuzzing it any more than it already is, and possibly even busting it by bringing it to an end—if I go on like that we can talk forever. I sometimes say in this House, "Preserve us from all lawyers, including myself." I can't read into this what the hon. member has just said—taking it to some kind of station and having a mechanic check it; all he has to do is examine the vehicle. The monstrosity is sitting in front of him. It's either there or it isn't there. It doesn't require minute, microscopic, much less telescopic, examination to discover whether there's a Fuzzbuster on the premises.

[4:30]

If I may usurp my colleague, I was going to suggest that—what I'm after here is the word "enter," you see. If you put the word "stop" in there, what I'm very much concerned about is that while the police officer has sovereign jurisdiction to examine the vehicle, he may examine it on the road or, as I read this thing, he may examine it off the road; he may examine it with a passenger or a driver, or with no driver or passenger; he may examine it, period. That can lead to very serious abuses with respect to the extension of the powers of search and seizure in this particular regard. As I say, it comes down to a matter of construing that phrase and saying, "What does the reference, contrary to subsection 2, mean?" If there is any area of doubt about it, then that doubt can be easily obviated by altering some wording. That's as much as I'm asking for.

Mr. Foulds: As you well know, Mr. Chairman, and as the members of the House well know, I'm not a lawyer, but I have studied the language at some length. I suggest to you that, in structure, all of the clauses in the section are parallel. They are not dependent, in terms of the structure of the legislation and in the structure of the sentence. That is, subsection 3 is not dependent on subsection 2. Subsection 3 is parallel to subsection 2. There is no link in the legislation between subsection 3 and subsection 2.

I would suggest subsection 3, as it stands, allows—as my colleague has said—a police officer to, if you like, break and enter a stationary vehicle. The word "enter" has a

very specific meaning in law, as I understand it.

I would suggest to you that the second suggestion my colleague has made, that we cross out the word "enter" in line two of subsection 3 and use the word "stop" would then link subsection 3 and subsection 2. Then, in meaning, the word "drive" in subsection 2 would be linked in meaning to the word "stop" in subsection 3. That would, I think, relieve our anxiety to some small extent, although not to the extent my colleague has suggested in his own amendment.

I would, for a moment, like to put that to the minister and to his officials to consider very seriously, because the examination can be done by the police officer on the spot. Surely in this day and age, when individual rights and civil liberties aren't thought of highly in the land, we should avoid as far as possible infringing on those.

We should avoid, frankly, giving to police blanket authority that can be abused. In the vast majority of cases, I would suggest that authority would not be abused. If the authority is there to be abused, you can be sure there will be one or two, or maybe three or four minor incidents. Frankly, that is too many for this Legislature to allow to pass. We should be in the job of passing legislation that protects rights as well as limiting unsatisfactory practices.

We agree, in this piece of legislation, that we are trying to limit an unsatisfactory practice. We should not in the course of that limit the property rights, if you like, of the owner of a motor vehicle. I'm afraid subsection 3 as it is currently written does limit those property rights.

Mr. Stong: Mr. Chairman, with respect to the member for Port Arthur's comments, I think I agree with what he has said with the exception that it seems clear enough to me as it's written. I don't think a court would have any difficulty in interpreting it. However, so the people out on the street understand our legislation, perhaps we should spell it out and make it perfectly clear. I would have no objection to the inclusion of the word "stop," but I would include it and I would not delete any words from the subsection. In going along with what the member for Port Arthur said, I would have it read:

"A police officer may at any time, without a warrant, stop, enter and search"—rather than delete the words "enter and search," I would agree to the inclusion of the word.

If we are talking about legislation leading to litigation, the words "to submit such motor vehicle to an examination" could open the door to such litigation. For instance, take the

case of a driver who is very proud of his car. He has a \$10,000 car. A police officer stops him and wants to search, and he says: "Oh, no. I require you to take my vehicle to a qualified mechanic before you dare search this. Are you a mechanic? No. All right, I am going to insist you take my vehicle to a service station." A court could very well be called upon to interpret "submit such motor vehicle to an examination" in light of that. That's why I do not favour the member for Lakeshore's interpretation. However, I would go along with the inclusion of the word "stop" in subsection 3.

Mr. Lawlor: If the minister is disposed to place the word "stop" in, either in the terms just delineated or earlier, then I would withdraw my amendment. But I can't let it go.

If the hon. member will look at the Liquor Control Act or a list of Acts as long as your arm, the language used in instance after instance has to do with submitting to examination in order to locate, say, a bottle of liquor. It will not require the expertise of the finest wine taster in southern Ontario in order to be taken to be in his presence, but I will leave it. I hope the minister will go that far.

Hon. Mr. MacBeth: Mr. Chairman, legislative counsel naturally gave a great deal of consideration to this before they produced it, but I have been impressed by the literary eminence of the members of the NDP. I have also consulted with my legal advisers in connection with the recommendation made by the hon. member for Lakeshore. If we can incorporate the suggestion of the member for York Centre as well, so it would read "stop, enter and search," we would be very pleased to accept that amendment.

Mr. Deputy Chairman: Mr. Minister, are you moving that amendment?

Hon. Mr. MacBeth: I thought the member for Port Arthur, who made it, should take credit for it.

Mr. Deputy Chairman: Mr. Foulds moves that subsection 3 of section 52(a) of the Act as set out in section 1 of the bill be amended by inserting the word "stop" after the word "warrant" in line one and before the word "enter" in line two.

Mr. B. Newman: Mr. Chairman, I want to ask the minister, in the light of the comments made by previous speakers, if the police officer confiscates such a device after finding it, would they be confiscating the devices of Americans coming into our country? Would they be doing that even though the device is legal in their state and even

though they may have removed it from operation and may have it in another place in the car, even in the trunk?

Hon. Mr. MacBeth: First, the police will not be confiscating them. The police would seize them, but it would be the courts that would confiscate them on conviction. All the police can do is seize it, and they need to seize it as a matter of evidence. If they weren't given the power of seizure, then they would probably have a pretty tough time trying to prove in court that this was in fact what the policeman alleged it to be.

You ask specifically about tourists. As I said in my opening remarks, we don't want to do anything to discourage tourists. At the same time, when they come into this province, they are not allowed to use studded tires and there is a variety of differences in our laws from whatever jurisdiction they may come. We would propose there would be ample warning at the border that these devices are illegal in the province of Ontario. We would suggest they be disconnected and put in the trunk, or something of that nature.

I agree that doesn't get them out of the Act. We will be issuing to police officers, who have discretion on their own, a suggested procedure to follow so we won't become offensive to our good tourists who visit us from time to time.

Mr. B. Newman: Would the tourist, finding out at the last minute when he is going through customs inspection that he has a device that is illegal in our jurisdiction, have the opportunity then of removing the device, storing it in his trunk if he so wished, and making it inoperative? And if the device were to be seized by your officers, would he have the opportunity of getting that device back as he returns to his home in the United States?

Hon. Mr. MacBeth: That's the way I hope it would be administered, yes.

Mr. Stong: I would like to ask the minister if he is contemplating the imposition of demerit points for a conviction under this particular Act against licensed Ontario drivers.

Hon. Mr. MacBeth: No, sir.

Mr. Lawlor: I can't help but again comment, ironically, that while what the minister suggests in this little directive to the police—take it easy; ignore the tourist, the foreigner, et cetera—is eminently practical, it's legally ludicrous.

It's like saying, again, for those people, say from Minnesota, you may murder blue-eyed people with dark hair in Ontario but

not others, while still somewhat restricting those murders by Ontario citizens. What I'm trying to say is it's all right to do those things, but you should never talk about them.

The minister's directives are quite questionable and he, my lord, is the policy master of the whole judicial system here in Ontario.

By the way, we'll never get to his estimates this time. Isn't he breathing out loud?

Anyhow, how does he justify all this?

Hon. Mr. MacBeth: Mr. Chairman, I really can't justify it. I think the member for Lakeshore put a little different connotation on the word; he referred to it as a directive, I think I referred to it as a suggestion. As far as the police are concerned, I agree they have this discretion to exercise themselves. We can give them a little guidance, but certainly the minister cannot direct them how to interpret the law. That's for the courts.

All I suggest is that we might send out a suggestion to them as to how to be kind to people visiting Ontario.

Mr. Lawlor: These Fuzzbusters are going to destroy our whole legal system.

Mr. Deputy Chairman: Could I ask the member for Lakeshore, in view of the amendment put by the member for Port Arthur, is he now withdrawing his amendment?

Mr. Lawlor: I so withdraw.

Mr. Deputy Chairman: The amendment is withdrawn.

Is Mr. Foulds' amendment agreed to?

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 and 3 agreed to.

Bill 112, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported two bills with amendments.

[4:45]

THIRD READINGS

The following bills were given third reading on motion:

Bill 112, An Act to amend the Highway Traffic Act.

Bill 107, An Act to amend the Highway Traffic Act.

CONCURRENCE IN SUPPLY

Resolution for supply for the following ministry was concurred in by the House:

Ministry of Education (supplementary).

CONDOMINIUM AMENDMENT ACT

Hon. Mr. Crossman moved second reading of Bill 115, An Act to amend the Condominium Act.

Hon. Mr. Grossman: This bill is a bill dealing with one urgent and important aspect of the very many problems surrounding condominiums. It is, of course, intended to provide immediate relief and protection in the cases in which there are common expense arrears continuing to mount and pile up.

The Kealey report on condominiums, the condominium study group report, which has been some time in coming, will be tabled by me later this week.

I hope to be able to move from the tabling of that report, over the next few months, to the presentation, to this Assembly in the spring, of an entirely new Condominium Act, based in a large measure, I would suspect, upon the report and subsequent meetings, conversations, and input I might receive with regard to the implications of that report, both from the people living in and running condominiums, as well as the financial institutions and members of the Assembly.

Now rather than say to the very many condominium owners who are facing difficulties because of mounting common expense arrears, that we can't assist them in their problems until we have gone through the paper work and the draftmanship resulting from the condominium report later this week, I think it is important that we move immediately to at least protect those who, in the interim, are in need of protection.

Consequently this Act will provide protection, I would hope from and after January 1, 1978, in order to give priority to the common expense arrears arising from and after that date, provided of course the condominium associations take the necessary action under this amending legislation.

The net effect should be that not many more foreclosures would result, and we anticipate fewer instances of arrears. We suspect there will be better and more careful financial management; and that there will be more understanding among purchasers of condominium units with regard to their direct and immediate obligations and the size of those obligations.

We have taken careful steps to protect the mortgagees as well, who may in circumstances like these say the rules have been changed after their mortgages have gone on. But we have, we think, provided sufficient protection of these mortgagees; and they appear, I might add, to be rather understanding and appreciative of the steps we have taken.

In the Act, for example, mortgagees can in fact pay the arrears of common expenses, add them to the outstanding amount of the mortgage, declare the mortgage in default

take immediate steps under the mortgage. The mortgagees will also be entitled to notice of the claim for arrears, the lien for arrears of common expenses; and by notice I thought it appropriate not simply to go through the ritual of requiring registration in the registry office, but rather to require real and actual notice be sent to the mortgagees. If we had not followed that approach, the mortgagees would have to be running to the registry office every month to do a sub-search, to check and see if there was any trouble in the unit. So we have required that actual notice be provided to the mortgagees.

In any event, I would draw to the attention of the House that by the time the first three-month period, which is the period of time that condominium associations have to register on title and give notice to the mortgagees in order to protect arrears, has expired, we will be well on the road toward the new Condominium Act.

Before very many of those actions end up in the courts, as they may, we will be back in this Assembly having another crack at the whole area of condominiums. In fact I would suspect we will be repealing this very section for re-enactment in a whole new Condominium Act. So if there are any difficulties in the implementation of this short amending Act, we will be able to rectify them in the spring.

I want to assure the House we have taken very great care to make sure the Act, as drafted, provides the necessary protection at this time. With that in mind, I would like to take this opportunity to specifically acknowledge the input we received from the Ontario Federation of Condominium Associations, and as well the financial institutions. Both of them provided us with important input and co-operation. I look forward to meeting with those groups and others, such as the Condominium Managers' Association, and any other persons and bodies which may be interested in the whole area of condominiums over the next few months, so that in the spring we can provide fuller and better protection for condominium owners and associations in a complete and an entire package.

In any case, Mr. Speaker, I would also like to acknowledge the co-operation of the opposition parties. I have spoken with them and they have indicated their co-operation and desire to provide this interim measure of protection to condominium owners. I would like to thank them for their concern and co-operation.

Mr. Blundy: Mr. Speaker, we in the official opposition welcome this bill to amend the Condominium Act. We are aware there are many areas within the existing Condominium Act that do have to be corrected. We look forward to the presentation later this week of the Kealey report. The consequent study of that report and the implementation, hopefully, of many of the things recommended in the report will better the lot of the people of Ontario who have chosen this particular style of home life, and make a pleasant atmosphere for them, one that will be financially beneficial to them.

There is one thing I must say at this time; after having said we are going to fully support this bill, I just cannot understand why it has taken the government so long. I am not speaking so much of the present minister but more properly of his predecessors. This has been a great bone of contention for many years for condominium owners. It has brought great worry and trial to many of the condominium corporations and to the individual members of the corporation.

There are incidents known to all of us where various condominium corporations have come to the brink of bankruptcy because of the accrual of unpaid common expenses when a condominium unit is being abandoned. We look at this as a necessary loophole to plug. This bill is going to do that.

There will be many other amendments suggested, I know. We look forward to co-operating with the ministry and the government to carry out these things.

There is one thing I would like also to say while I am standing and speaking in support of this bill. I don't believe sufficient emphasis has been given by the government, and the ministry in particular, to some of the advertising that accompanies the sale of condominiums, principally initial sales. I don't believe the common expenses component is sufficiently spelled out, principally in the initial sales of condominiums. I don't say they are misleading, but they just don't go into them deeply enough for the prospective buyer or home owner to appreciate what is entailed in the common expenses.

I do hope this will be one area in which we will be able to have some input when the more comprehensive bill dealing with condominiums in Ontario is brought in. There is no doubt of the urgency of this particular amendment. I think the sooner it is passed the better for those condominium corpora-

tions that have been affected so seriously in the past.

We have had the opportunity to talk to condominium corporations, condominium owners and lawyers representing these people; and as rather a novice in this field I have appreciated that very much and want to recognize that contribution.

Without going into great detail, I am sure the principle of the bill and the mechanics of the bill are quite well known to us. We agree it does appear to be the way to solve this problem now.

With those few words, I would like to put forth the view that the official opposition does endorse and does support this bill.

Mr. Davison: If I might make a few remarks on behalf of the almost official opposition, perhaps the real opposition.

Mr. Blundy: Oh now don't put it that way.

Mr. Davison: We'll join our colleagues in supporting this amendment to the Condominium Act. We will put no amendments to this bill. That should not be taken as an admission the bill is perfect and viewed as such by us.

The specific problem the minister has addressed himself to is a serious problem and a real problem. Many condominium corporations have found themselves in serious difficulties as a result of the individual unit owners defaulting on common expense payments, and subsequent foreclosures have put the corporations in a position where the money couldn't be recovered.

By moving this lien, which is effectively what we are doing, nearer to the top of priorities, we've been able to meet the specific need, and in that sense we've solved the problem. It's interesting to note, at the same time, we have found a way to offer some protection in the amendment to the mortgagees involved, to make sure they don't lose any great amount by this change.

Unfortunately, as the minister hinted today and admitted in his statement on November 29 where he introduced the bill, there are and can be some unfortunate side effects to the amendment. I would draw to the minister's attention two of those side effects, both of which I am pretty sure he is familiar with.

The first problem, as he said, is this amendment could cause mortgagees to put forward tougher requirements on people who are potential condominium buyers or owners. This can and will have the effect of further limiting those numbers of people in our province who can find for themselves the capacity to own their own home. That is indeed both unfortunate and undesirable.

It seems a further problem may arise out of section 3 (a), albeit not a major problem; that is that the mortgagee will be able to require prepayment of the common expenses. The section puts no limit on how far in advance the prepayment of the expenses can be collected. It does, however, fortunately, require the mortgagee forthwith and immediately to give such money to the corporation. If there is indeed any windfall gain or windfall profit, it will at least accrue to the condominium corporation rather than the mortgagee. However, it would always be preferable not to have such situations, because it's very difficult to make ends meet in that first year after buying your own home. Dual payment of any expenses be they taxes or be they common expenses, is always an extra hardship in that initial year when it's always so difficult to keep things together.

[5:00]

There are other side effects which are apparent now or which will become apparent in the future. However, as the minister correctly points out, we'll have the opportunity in only a few months' time to deal with and solve those problems. I appreciate that.

The minister informed us on November 29—perhaps I could read back to him the words in his statement:

"I don't like piecemeal legislation and would have preferred to introduce a new Act in its entirety . . . but the import of this particular issue is so critical that we felt that we had to move immediately to protect those members of the public living in or contemplating the purchase of a condominium."

I might, if I could, associate myself with those remarks. I would, however, like to make certain that none of us are in doubt as to what is meant by the remarks. It might be possible for some people, previous to the minister's statement today, to have interpreted the second part of that paragraph to mean that it was the ministry which found this unrealized problem and proposed and is in the process of implementing a solution, when a great deal of the credit should be given, as it was today by the minister, to the Ontario Federation of Condominium Associations for the substantial contributions its members made to bringing this legislation before us. I was very glad to hear the minister give such recognition to them.

The second point I wanted to make in regard to that statement is the problem of having to deal with this in terms of piecemeal legislation. I think it's important we recog-

nize the reality. Why do we have to deal with this in terms of piecemeal legislation? Very simply I think it's because of the long delay in our receiving the report of the Ontario Residential Condominium Study Group. That report was originally intended to come before us late last summer. It now, as we've been told in the past few days, will arrive in the next few days as a Christmas present.

Hon. Mr. Grossman: A Hanukkah present, actually.

Mr. Davison: Yes; post-Hanukkah, pre-Christmas. I would suggest the proposals for major changes to the Act wouldn't have been delayed if we had had the group's report when we originally expected to receive it this summer.

Hon. Mr. Grossman: Aren't you glad I'm here?

Mr. Davison: Yes, as a matter of fact, but I will suggest that if the government hadn't appointed a Tory candidate to run the study during an election year, the work may well have been done and the report submitted so we could have dealt with the problem earlier.

Hon. Mr. Grossman: How were we to know he'd turn up as a candidate?

Mr. Davison: I thought you chaps on the other side were omnipotent. I thought you knew who your candidates were.

Hon. Mr. Grossman: Relax, if we were he would be in office; he would have been elected.

Mr. Davison: If we'd had that report we could have moved. We wouldn't have to be dealing with piecemeal legislation just before Christmas. I don't really mean to state that as a criticism of the ministry or the government, but it is a significant fact. If one regrets the necessity of dealing in terms of piecemeal legislation and if we have to place blame, let's place the blame in the proper spots.

In conclusion, Mr. Speaker, I have four points. We support the bill; we're happy to see it; we will offer no amendments; we look forward with delight to receiving the Christmas present from Mr. Kealey, even though we would have preferred to have had it in the summer.

We are also anxiously awaiting the massive legislative initiatives that will be forthcoming from the minister in the spring in regard to condominiums.

Mr. Leluk: Thank you, Mr. Speaker. I am pleased to rise in support of this bill, and wish to commend the minister on introducing this important amendment at this particular time.

As the minister stated earlier in his remarks—

Mr. Warner: We need more like him.

Mr. Leluk:—when he introduced the bill, he didn't like piecemeal legislation and would have preferred to introduce a new Act in its entirety, but the importance of this particular issue was so critical he felt he had to move immediately to protect the members of the public living in or contemplating the purchase of condominium units.

I know this news was well received by condominium owners in my riding, in York West, as well as by those, I am sure, in the rest of the province. For some considerable time I have involved myself with many of my constituents who own condominiums. They have told me about some of their difficult experiences in their particular corporations, including the very problem we are now trying to solve, that of unpaid common expenses and the problems this has created for a number of condominium corporations.

Since mid 1976, I have introduced four private member's bills related to internal operations of condominium corporations.

Mr. Philip: But this is so much better than Cranston's bill.

Mr. Leluk: Mr. Cranston didn't have anything to do with my bills, my good friend. I am pleased to say the last bill which I introduced this session, an Act to amend the Condominium Act, dealt with this very principle. Like my colleagues on the other side of the House, I am also looking forward to the tabling of Mr. Kealey's report later this week.

Hon. Mr. Grossman: As promised.

Ms. Gigantes: You're kidding.

Mr. Leluk: The minister promised it would be delivered on time and so it will be.

Ms. Gigantes: Last March.

Mr. Warner: Yes, before the election; even caterpillars climb uphill faster.

Mr. Leluk: This important amendment will relieve some of the present difficulties which are being experienced by condominium corporations. In practice the problem that exists at the present time is there is no priority established for liens. Where we have had default on payments of common expenses, the remaining unit members or owners in the particular corporation have had to pick up the tab, so to speak, and this has placed a financial burden on them.

I feel this has been and could be a disincentive to those who have in the past paid these expenses to consider not making them

in the future. This situation also leads to the creation of social animosity within the corporation; and hence the very decline of co-operation, which is the central principle of the condominium lifestyle. Such thinking could threaten the financial integrity of any condominium corporation and in the process contribute to the loss of property ownership.

I know of one particular example where a condominium owner has outstanding some \$2,000 in maintenance costs, which represents approximately 30 per cent of that corporation's outstanding common element debt. Not only is the corporation losing out in collecting this money, but it requires further financing for lawyers' fees and court costs, et cetera, which is money which could be put to better use in the improvement of the property. The failure of an owner to pay common expenses cripples also the corporation's capability of levying a special assessment for emergency purposes.

With this amendment we will now have established priority for liens with respect to common expenses over all other registered encumbrances, with the exception of land taxes and a few other statutory liens. This will provide condominium corporations with a speedy means of recovering common expenses owing them, and hopefully will discourage default of payment of common expenses.

I would like to say a few words about mortgage lenders at this time. From all the indications I have had, mortgage companies have been very reluctant to become involved in any way with condominium corporations after they have been registered. To my way of thinking the Ontario mortgage community should take a leaf from the book of their American counterparts in making themselves readily available to help condominium directors and management when a financial crisis arises. In this way they would forestall some of the potential foreclosures which they are undertaking, because they have immense experience in financial management, experience which would be most helpful to condominium owners in the management of their corporations.

Had these mortgage lenders been involved in the operation of condominium corporations during the past decade, then in all likelihood the minister would not have had to introduce this particular bill.

I must say I was rather disturbed with the reported remarks of Mr. R. T. Ryan, president of the Mortgage Insurance Company of Canada, in the December 6 issue of the

Globe and Mail. Did the minister see those remarks?

Hon. Mr. Grossman: I did.

Mr. Leluk: He stated that mortgage lenders will now be reluctant to provide financing for condominiums because of this particular amendment. I feel that by taking such a backward step, the mortgage community does not help future condominium owners. In the long term, if the Ontario mortgage community follows Mr. Ryan's lead, it will only intensify the future housing shortage, because I believe condominiums will increasingly become one of the most attractive forms of housing for the citizens of this province.

It's always been my feeling, that it is one of the most exciting and forward-looking approaches to utilizing space and precious land resources, efficiently, socially, and economically. In saying this, I'm not closing my eyes to the current over-supply of condominiums in this province.

I'm making this reference, about the placing of liens ahead of mortgages, because recent statistics—I saw these about a month ago in the business section of the *Toronto Star*—clearly show that in 1977 the number of foreclosures on condominium units is substantially lower than on the more conventional forms of housing. To my way of thinking, if the condominium owner is making his mortgage payments on time, the mortgage lender can sleep peacefully at night and not have to worry about condominium foreclosure.

In closing, I would urge all members of this House to give speedy passage to this bill so that it will become law before the House prorogues on Friday.

Mr. Philip: Mr. Speaker, as a condominium owner and as a representative of my own condominium association in the Association of Etobicoke Condominium Associations, I can't help but think that perhaps I've just received an early Christmas gift. The real heroes in this whole issue, though, and the series of issues surrounding this bill, are really the executive of the Federation of Ontario Condominium Associations.

Andy Wallace and his executive—not really anyone in this House—are the people who can really take credit for this bill. I was pleased to have been part of the delegation of the Federation of Ontario Condominium Associations that met with the minister on November 14 to plead with him to introduce what amounts to piecemeal legislation.

It's piecemeal legislation, in the sense that it had to be introduced in the absence of the

Kealey commission report, but it is nonetheless very necessary legislation.

The other people who I think can take credit for this bill, are those condominium owners who have suffered all the problems resulting from the lack of such legislation in the past. I refer not only to the major examples of the problems, such as the members of Halton Condominium Corporation 46—and I'd hate to see their legal bill—but also the other condominium association members who have fumed, and coaxed, and sought legal advice, and in the long run lost money trying to collect moneys owing to them.

[5:15]

Many condominium corporations in my own riding have been unable to collect unpaid expenses. This has been particularly true during the recent slump in real estate values. In many of these cases rising maintenance fees, which can be directly related, I would suggest, to the reluctance of the previous Minister of Consumer and Commercial Relations to do anything about rip-offs in the development industry, have been added to by these extra costs arising from default in payments.

This bill really is testimony not to the success of a particular bill but to the failure of this ministry. I have before me a statement by the previous Minister of Consumer and Commercial Relations dated November 24, 1976. It announces the appointment of Darwin Kealey as chairman of the condominium study group. Little did we know on November 24, 1976 that it was really the kickoff of Darwin Kealey's election campaign—unsuccessful election campaign I am happy to add.

Mr. Speaker: What has that got to do with the principle of Bill 115?

Mr. Philip: That has everything to do with it.

Mr. Speaker: It is not even mentioned in the bill.

Mr. Davison: It is mentioned in the minister's statement.

Mr. Philip: On a point of order, Mr. Speaker, it is mentioned in the minister's preamble in which he refers to—

Mr. Speaker: It's not in the bill. I've got it before me.

Mr. Davison: The minister was allowed to speak about it.

Hon. Mr. Grossman: The minister was preambing.

Mr. Philip: I find it hard to understand why we are still waiting for the Kealey com-

mission report. Perhaps when it is released, tomorrow or the next day, at a time when we can't ask any questions in the House or debate the particular report, it will be clear to us why it was released at that time.

This bill is welcome. It is piecemeal legislation. It is testimony to the failure of the government to do what was necessary to get the Kealey commission report tabled at an earlier time. It is testimony to the failure of the government to live up to the promises it made when the Kealey commission was first appointed. Nonetheless it is a very welcome bill and we will support it.

Hon. Mr. Grossman: I have just a few comments. The member for Hamilton Centre (Mr. Davison) was commenting that one of the drawbacks of the legislation might be that there could be tougher requirements for buying a condominium unit or perhaps getting the financing. In view of what has happened over the past few years, it is clear there was, if anything, an abuse the other way in terms of not enough scrutiny being given to those who wanted to purchase, and not enough information being available to them or explained to them by the various persons involved. If the net result is perhaps a little tightening of requirements, I think that might be for the benefit of all those who already have purchased and those who will be purchasing units with an appropriate amount of ability to carry the unit themselves and not at the expense of their neighbours.

I have had an opportunity to take up the problem raised by prepayment of common expenses in the last little while after it was drawn to my attention by the member for Hamilton Centre. I am assured that because of the wording of the particular section of the bill, it shouldn't turn out to be a problem. In terms of what major financial institutions have been doing over the last little while, which is to avoid a situation in which they are having to hold and pay out a large amount of funds over a long period of time, they will probably frown upon doing this and not get into the business to a large extent.

The member for Etobicoke (Mr. Philip) acknowledged his presence in the delegation that met with me on November 14. I make no bones about the fact it was the representations made to me on the evening of November 14 by the condominium federation that resulted in today's legislation. In spite of the fact he was a member of the delegation, I thought I'd go ahead anyway. The presentation made at that time was a fair, decent and reasonable one, and I thought it would be appropriate to move with this bill immediately

to provide for the benefit of the owners the protection referred to by the members opposite.

Finally, the member for Etobicoke just can't resist saying the report won't be tabled until it is too late to ask any questions. Quite frankly, that wouldn't bother me a twit, because whatever questions might be asked after the tabling of the report I would obviously simply say those are the recommendations of the study group. We will be considering them over the next few months and we will let you know what determinations we make as a result. You can take that as the answer to whatever question you might have asked, had the report been available prior to today's date.

I might add that for whatever reasons it has been delayed up until now, we did in fact do some arm twisting with the printer to get it in time for the House rising. Lest there be any suggestion we have delayed it until the end of the House, in fact we moved it up in order that it would be available to the House before the House rises, which I think is appropriate.

Motion agreed to.

Third reading also agreed to on motion.

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough, moved second reading of Bill 120, An Act to amend the Municipality of Metropolitan Toronto Act.

Mr. Warner: I have a few comments with respect to this Act to amend the Municipality of Metropolitan Toronto Act. The purpose, as we all understand, is to bring the Metropolitan Toronto Zoo under the control of the council of Metropolitan Toronto. What I would like is some comments from the parliamentary assistant who is here as to whether or not he sees this as the very first real action related to the Robarts report. Will this mean we have perhaps a board or commission under more direct political control, as was suggested by the Robarts report?

If we took the Robarts report's suggestion embodied in recommendation 6.1, we would not even need to see this legislation. That recommendation is that the corporation of Metropolitan Toronto should have the right to set its own bylaws, provided those bylaws do not conflict with the existing provincial legislation. If that were the case, then Metro Toronto could simply decide it was going to operate the zoo within its boundaries and would be able to do so.

That, perhaps, is a very progressive kind of thinking in terms of the operation of municipalities. I would appreciate some comments from the parliamentary assistant in that regard. Surely the sooner we see the enactment of recommendation 6.1, the sooner we can dispense with the kind of bill we have in front of us and allow the municipality of Metro Toronto, and other municipalities, to carry on business in the way in which they see fit as duly elected people.

I think it is important to trace back for a few moments the history and the importance of this zoo which is located in the borough in which I reside, Scarborough. It is not only for the residents of Metro Toronto, but anyone else who comes to visit. We hope people who visit our city from all over the province and from outside the province, will come and visit the zoo in Metro Toronto. It some day will be one of the better zoos in the world, ranking along with San Diego and some of the zoos in Europe, and certainly, the London Zoo.

In that regard, it seems to me the province of Ontario has neglected some of the things which it could have done and hasn't, in particular the development of light rail transit straight through to the zoo area as a way of promoting the opportunity for families to visit the zoo at a very reasonable cost.

We also need some comment on the development of the Finch transit line, because that's important. If the transit line extends beyond the zoo out to the Pickering area, obviously it can help service that area and bring people, particularly families, to the zoo.

In the bill the corporation is entitled to any surplus and is responsible for any deficit resulting from the operations of the board of management. Quite frankly, I take it that's an area of potential involvement for the province of Ontario through the Ministry of Culture and Recreation.

I would think it possible for family passes to be available for a nominal fee through the Ministry of Culture and Recreation, so people can visit. It's a very important educational pursuit, for youngsters in particular to be able to visit a good zoo, and the one in Metro Toronto is excellent. It's a good educational opportunity for children and for families, and the government should make visiting it possible.

For thousands of Toronto families it isn't possible to visit the zoo because of the fees charged and the inadequate transit facilities. Not everyone in this city has a car; there are thousands of families which cannot afford an automobile. The government, in bringing

forward this legislation, is supporting the concept of the zoo; we should have representation from the Minister of Culture and Recreation (Mr. Welch) as to how his ministry intends to make it possible for families to visit the zoo. We should hear from the Ministry of Industry and Tourism as to how they intend to promote the zoo. Of course, I take that again to mean they will help make it possible for families to attend. The Ministry of Transportation and Communications should also state how they intend to develop light rail transit so people from the city of Toronto can easily and inexpensively visit the zoo.

I have some questions with respect to particular sections. Perhaps the parliamentary assistant can address himself to section 1(4). I would like to be assured that section 1(4) in fact guarantees that the council of Metro Toronto will have some direct control, that there is direct responsibility to the council in keeping with the Robarts report recommendation.

I would like some explanation of section 1 (14). As I read that section and section 8, concerning the animal acquisition committee, I wonder if the government sees potential abuse or conflict of interest in the sale and purchase of animals.

[Microphones in the House fail.]

Mr. Warner: Without amplification, I think I can still make myself heard.

Mr. Nixon: This might not be going on tape either.

An hon. member: There goes his home mailing.

Mr. Warner: It might not. Well, this is true. With the permission of the House, may I speak from my colleague's microphone?

Mr. Speaker: Please move over.

Mr. Warner: It's some sort of subversive Tory plot. As long as Hansard is recording it at the desk, Mr. Speaker, the tape may not be working.

Mr. Turner: They don't really do that.

[5:30]

Mr. Warner: I would like some explanation from the parliamentary assistant with respect to section 114 and any potential relationship it has to section 18. Could there be some potential conflict of interest by those members who would sit on the board of management, and those members sitting on the animal acquisition committee with respect to the sale and purchase of animals or other items which are necessary for the operation of the zoo? Is that the reason for the insert of section 14 into part I. I find it an unusual

kind of paragraph to have in the legislation. I really ask why it's there? Is there some concern for potential abuse?

Finally, I have a question related to the section which follows, 209(a), parts I to VI. I'd like to know why those sections are included, rather than simply saying the present contract agreement which exists between the zoo and CUPE should be simply adhered to in the transfer from its present situation to the corporation of Metro Toronto. Is there some particular reason why it is outlined in six sections?

Secondly, do the six sections include all of the items of the present contract which the employees are now under, so that we are assured when the transfer takes place all of the rights and benefits accorded to the employees will be honoured and protected?

It should be noted that when the zoo was in financial trouble earlier, employees of that union banded together, and made an offer to put in some of their salaries to offset the deficit. They also agreed not to have an increase in pay in order to keep that zoo going. Obviously, the government would want to send our good wishes to that union for acting as good citizens in our community in helping to keep that zoo alive, in which case, it becomes extremely important for the government to explain in detail the items I mentioned in relation to section 209(a), parts I to VI.

I have no further questions, but later I'd like some answers from the parliamentary assistant.

Ms. Bryden: I don't know whether the blackout on the sound indicates—

Mr. Speaker: The console isn't picking up your voice. I would ask the members of the House to be quiet so the interjectionist might capture every word being said.

Ms. Bryden: —government nervousness about Metropolitan Toronto as being another fairly large government. At any rate, I presume this legislation was mainly at the request of the municipality of Metropolitan Toronto. I'd just like to ask if there is any variation in the legislation from what the municipality requested?

What it does is establish a board of management, which is a sort of municipal Crown corporation as I read it, to operate the Toronto Zoo in place of the Metropolitan Toronto Zoological Society which is presently operating it.

The society did yeoman work in getting the new zoo initiated, planned and constructed. I think they should be congratulated on the outcome. Without them we

probably would not have a new Toronto Zoo.

One of the things they did was involve a great many citizens of Toronto in the planning. They also involved the school children of this city, many of whom raised money to buy a particular animal. As a result, they became very interested in the zoo and in what zoos are all about.

They gave us a zoo which is one of the great zoos of the world and something of which we in Metro Toronto can be very proud. They gave us a new concept of a zoo, one which tries to create a habitat for the animal as close to the natural habitat as possible. I hope the new board of management will preserve this approach and preserve the involvement of citizens in the planning of the zoo.

The operation, however, is another question. Perhaps it is better to have it in the hands of a body more closely accountable to the Metropolitan council since the Metropolitan council is, in the last analysis, responsible for what is known these days as the bottom line in the zoo operation. That is why we accept the idea of the establishment of a board of management to operate the zoo.

I have finally broken through the fog, have I?

Mr. Foulds: The member broke the sound barrier.

Ms. Bryden: We notice there will be four nominees of the Zoological Society out of the nine members appointed by Metro council to the board of management. I think that will ensure citizen involvement and a continuation of the tremendous work the Zoological Society has done in moulding the design and planning of this zoo.

The legislation does not indicate whether the other five members have either to be elected members of Metro council or whether they are chosen according to any qualifications or criteria. Perhaps it is desirable to leave it to the Metropolitan council in its bylaws or in its discretion to choose the other five members with complete freedom. I would hope some of those five members would be elected members of the Metropolitan council in order to preserve a channel of reporting direct to Metro council and to increase the accountability of the board of management to Metropolitan council.

Perhaps the parliamentary assistant could clarify whether there was any request or understanding that there would be a certain number of elected members appointed to the board. The legislation doesn't tell us whether

the appointees are to be full-time or part-time; or whether they are to be remunerated or what the rate of remuneration is. Once again it may be the intent of the legislation to leave that to the Metropolitan council to cover through its own bylaws, which are authorized in this legislation. However, I would like to be assured the legislation does give them authority to set full-time and part-time requirements and rates of remuneration.

My colleague has dealt with the question of whether the guarantee of employment and of conditions of employment cover all the present terms of employment in the union contract or in any other contracts that people have who are not in the bargaining unit. We would certainly want to preserve all the rights of the present employees.

With regard to section 1(14) on the conflict of interest question, members of the board of management are exempt from the Municipal Conflict of Interest Act according to this clause. Is this clause parallel to similar exemptions being granted to other boards of this nature in Metro council, such as the TTC or the exhibition board, or is this something that is particular and special to this board of management?

Those are my main questions. I would hope the legislation will ensure we have the zoo operated in accordance with the original concepts so that it continues to be one of the great zoos of the world.

Mr. Ashe: I will attempt to cover the points that were raised. I do not intend in any way to go into any great detail regarding the philosophies of rapid transit and so on. I don't think they relate at all to this particular bill and therefore really are not properly before us.

I think I should clarify first of all why this bill is here. There is obviously some misunderstanding by some hon. members as to what we are really doing. There is an inference here that this is provincial legislation, hence we are supporting what has been done, and giving indications of financial commitments to come. This is far from the truth.

The only reason this particular legislation is here is because the municipality of Metropolitan Toronto operates under a piece of legislation known as the Municipality of Metropolitan Toronto Act, and in the existing legislation the ongoing association between the corporation and the operation of the zoo by the Zoological Society is recognized. Before the new arrangement that was negotiated between Metropolitan council and the Metropolitan Toronto Zoological Society can be put into place, which is in fact the setting up

the board of management, that particular association and removal of the previous association in the Municipality of Metropolitan Toronto Act has to be accomplished in this way. Really, that is all.

The amendments before the House were in fact suggested, as was previously indicated, by the Metropolitan council. There have been some changes made from their original recommended legislation; if members will it was exactly that, it was only recommendations. There were some changes made. These have of course been discussed with Metropolitan Toronto and they are in agreement to these changes. As a matter of fact they were pretty well designed to give more flexibility, not only to the present Metropolitan council but future metropolitan councils; particularly relating to coincidental terms of office, for example, of the council. A new council should have the right to make changes was our philosophy.

Dealing with the appointment of, in effect all nine members by the metropolitan corporation—albeit they have already negotiated, if you will, that four of those appointees would be those four recommended by the Zoological Society—in the original draft suggested by Metro they indicated they should have five appointees, of which no more than two shall be elected members of council. That was removed to give the council the complete option of appointing, if they will, and in the wisdom of future councils, all five elected members; or one, two, three or four; or in fact none.

So these were the kind of changes that were incorporated in the legislation before the House. As I say, they have been agreed to and accepted by Metro as being progressive changes to what was originally proposed.

Relating to the specific references, by members: Section 1(4) reads: "The board of management shall be composed of the nine members . . ." I guess I pretty well covered that in the explanation I just finished. The option is there, but there is not the restriction on Metropolitan council as to who they shall appoint, now or in the future.

There was a concern expressed relating to the conflict of interest reference in section 1(14). All that is in and only relates to one particular circumstance. The Municipal Conflict of Interest Act still applies. What this is saying is only in the association between the board and the society—in other words if somebody carries the Zoological Society card, that in itself does not put them in conflict because of their association on the board of management. That's all that section, in effect, negates, as far as the Municipal Conflict of

Interest Act is concerned, that and no other. I think that's so that nobody in the future would challenge that there was a conflict just because a person was a member of the Zoological Society.

[5:45]

As far as protection of employees and the wording used, it is being checked as to when the contract with CUPE expires. I don't yet have confirmation, but it is thought it goes to the end of 1978. Possibly before my remarks are concluded I will have some confirmation of that.

The particular references here indicate—the various sections include sick leave credits, holidays with pay, and pension benefits—that all people who were employed by the Zoological Society on July 1, 1977, are in effect guaranteed their employment, other than for dismissal for cause, until the end of 1978. This is not inconsistent with the kind of protection that was employed in bills establishing regions as they talked about the protection of municipal employees in disappearing municipal jurisdictions. The actual wording was along those lines, I think.

As to whether appointees to the board of management will receive remuneration or not; these are not full-time positions, as I understand it, and whether there is remuneration or not is within the jurisdiction of the Metropolitan council, where it should quite rightly be. What they will do in that regard, of course, I have no way of knowing.

There is constant reference on all sides of the House to giving more responsibility to municipal councils. I think this is another area, albeit this was prompted by the metropolitan corporation, of giving a municipality more flexibility and control. This is still a special purpose body in the sense that it is not a direct operation by the council or a committee of council; but at least it goes a long way towards giving ultimate control to the Metropolitan council, which ultimately has to be responsible for the financial commitments. That is why in the bill the metropolitan corporation is responsible for deficits and the recipient of any surpluses. Everybody hopes it ultimately might be the latter rather than the former, but don't keep your fingers crossed.

Mr. McClellan: The Minister of Culture and Recreation (Mr. Welch) will bail us out.

Mr. Warner: He should.

Mr. Martel: I wish he'd help now.

Mr. Ashe: I think I have covered most of the questions. I think it would be presumptuous to suggest this bill is prompted directly

by the Robarts report. Everybody is well aware of the problems between the council and the Zoological Society over the past year or two. This particular amendment to the Municipality of Metropolitan Toronto Act really comes about more because of the negotiated truce between the two combatants. It was ultimately solved amicably, and this particular legislation is enacting that settlement rather than because of any reference to similar problems as indicated within the Robarts report. I wouldn't want anybody to misconstrue the proposed legislation as being a partial enactment of the Robarts report.

I am told the contract with CUPE only goes to March 31 of 1978, so I think members can appreciate that the dates indicated in the legislation give protection beyond the expiry date of the existing contract, in that the protection, guaranteed employment and other benefits go through until the end of 1978. I would assume that is one further reason why reference to the contract was not made, because it was felt the length of time left in the contract was not sufficient guarantee of similar working benefits and employment. The bill takes it nine months beyond the end of the current CUPE contract.

Mr. Speaker: Does the member for Scarborough-Ellesmere have a point of order?

Mr. Warner: I wanted to pursue one of the answers which the parliamentary assistant gave.

Mr. Speaker: You cannot do it on second reading. It is not permitted on second reading.

Motion agreed to.

Ordered for committee of the whole House.

LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES AMENDMENT ACT

(Hon. Mr. Welch moved second reading of Bill 123, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.)

Mr. Martel: I want to speak briefly to this particular bill, because what the government has failed to do after three studies is to provide a mechanism whereby members can get away from having to raise their own salary.

We started in 1971 with the Camp commission. We then followed that with the Morrow select committee which in turn sent it to Hickling-Johnston. Recommendations were made back to the government with respect to some type of mechanism by which

we would not have to be responsible for raising our own salaries every year or every four years with all that that conjures up in the public mind.

If you look at the various press statements with respect to the raise members are about to vote themselves, Mr. Speaker, it is interesting to note that nowhere—and maybe I have missed it—do I notice one person from the press gallery saying the last time members got a raise was in 1973. In fact, they have made statements which imply that the members gave themselves a whopping raise back in October, followed by yet another whopping raise now. Not one press statement I have seen says it goes back to 1973. If one figures it out, we are talking four years then and another two or three years down the road before there is another raise.

The press doesn't print it that way because that does not turn the public on. I just resent being caught in the crossfire all the time. I resent being one of those who works on a committee which makes recommendations and gets shot at in a cheap fashion. We must go back to 1975 to recall that little episode here in the Legislature. I remember my friend, the member for Oriole (Mr. Williams) did not want a raise. He then went on a committee to get some extra pay.

An hon. member: He is a skunk.

Mr. Martel: I say to the government House leader it is just not satisfactory that here in 1977, after six years of study, we are left exactly where we were with respect to remuneration. I don't know how many hundreds of thousands of dollars we have spent getting to the zero point.

It really is unacceptable. If the minister is prepared to tell me that, come April 1, the Premier is prepared to go along with what was recommended in Hickling-Johnston, if the government is not going to put a device in that a very selective committee made up of people from the outside is going to do an ongoing review annually and make recommendations to the Legislature, then that is fine. But to put us back into the bind where we have been for the past six years is just unacceptable to the members of the Legislature. I think that is the view from all sides of the House. I would urge the government House leader to indicate to us what the government is prepared to do, in view of the fact that it has not accepted the recommendations of three different committees.

I urge this to get us out of this bind because the press has a field day every time we do this. It is interesting in the case of

the federal people that because of their mechanism it took effect some three weeks ago, and we hardly heard a ripple in the press. Certainly they are not writing that the members gave themselves a Christmas present that we are getting here now. It went through, there was nary a ripple in the press and there was no adverse comment from the public, while here we are back to square one, after six years of study.

I'm prepared to move an amendment if the government isn't prepared to give us some type of assurance. My amendment would call for a combination of the consumer price index and the corporate industrial wage to get us out of the bind once and for all. Surely that's not asking too much. We shouldn't have to be embarrassed by talking about raising our own pay as all of us are wont to do, and very few to get up publicly and say it. I say it, because I'm not about to play games with it, but in fact it's distasteful.

I would urge the government House leader to give us some indication now about what the government is prepared to do lest we have to prepare some sort of an amendment over the supper hour to try to get the government to move to tell us what it is prepared to do to get us out, once and for all, of this rather ridiculous position we find ourselves in.

There is one other point I want to make with respect to the bill. I would ask the government House leader to explain to us what happened to that \$2,400 raise, that mammoth raise the press gallery likes to speak about. I see a representative from the Toronto Sun who doesn't write articles that give all the facts—just what they want the public to hear.

Mr. Ruston: That wouldn't be Claire Hoy, would it?

Mr. Martel: I'm sorry, Claire; I shouldn't have said that.

Mr. Conway: He'll probably write a column now.

Mr. Martel: Oh, it'll be a nasty column tomorrow. I expect it. I got it the last time around; so I don't want to change.

Mr. Speaker: If the hon. member would direct his remarks to the Chair, please?

Mr. Martel: Would the government House leader be prepared to tell us what happened to that increase that went from \$2,400 to \$2,042? I really don't know how \$2,400, which I thought was going to be brought in, dwindles down to \$2,042. There may be an explanation.

I would ask the government House leader to comment on whether the government intends to indicate what it proposes to do either now or in the very near future, and to give that explanation.

Hon. Mr. Welch: Mr. Speaker, I would like an opportunity to review the information which is required by that last question. If we could leave that until after the supper recess, perhaps I'd be able to give the details which the hon. member has asked for.

On motion by Hon. Mr. Welch, the debate was adjourned.

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Hon. Mr. Welch: It is my understanding that during the course of the discussions which have just been going on as far as Bill 123 is concerned, the member for Scarborough-Ellesmere has satisfied himself with respect to one or two questions dealing with Bill 120. If the House would concur, perhaps that bill could go to third reading and be given third reading now.

Mr. Speaker: Bill 120 was directed to committee because the hon. member for Scarborough-Ellesmere had some questions. I understand those questions have been

answered. Can we have unanimous consent to order Bill 120 for third reading?

Mr. Warner: Mr. Speaker, if I could, I would simply like to put on the record that a new contract may be negotiated following March 31, 1978. This new contract would not be in contravention of the bill which is before us. That's all that I require on the record and we can pass it.

Mr. Ashe: Mr. Speaker, if I may, I'd be glad to put on the record that at the expiration of the present contract, which I understand is March 31, the normal negotiating procedures are open and there are no restrictions under this legislation. It is strictly a guarantee under this legislation that any employee will not suffer a regression in salary or benefits, at least until the end of 1978.

Mr. Speaker: Shall Bill 120 be ordered for third reading?

Agreed.

THIRD READING

The following bill was given third reading on motion:

Bill 120, An Act to amend the Municipality of Metropolitan Toronto Act.

The House recessed at 6 p.m.

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Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 13, 1977

The House resumed at 8 p.m.

LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Welch moved second reading of Bill 122, An Act to amend the Legislative Assembly Act.

Mr. Conway: I would like to rise to participate in the debate on this most interesting bill. I, as so often is the case, had no intention to speak prior to the supper hour—

Mr. Maeck: Those were usually good decisions, too.

Mr. Eaton: Stick by your first decision.

Mr. Roy: We prevailed upon him.

Mr. Conway: —but as is often the case, one is spurred on in this assembly by good debate and, I must say, the hon. member for Sudbury East (Mr. Martel), in his remarks just before the supper hour, made me think perhaps this would be an opportunity to participate in a matter that affects to some degree the position and situation of all members of this House.

I want to say to the House this evening that since I think this is rather an individualistic kind of debate, my comments will be offered, to quote the phrase of my good friend from Grey-Bruce (Mr. Sargent), as a private member. I will be speaking in this particular regard as a private member.

What I like about this sort of bill and the debate it engenders is that it provides one of those rare opportunities when we can focus rather sharply upon the role and status of both the Legislature and the members. After almost two and a half years of membership in this particular assembly, I have now begun to form some rather serious impressions and overall attitudes with respect to the Legislative Assembly in Ontario.

The single most serious concern I have in this regard relates to the fact that this assembly, not unlike the federal Parliament in Ottawa, suffers—in regard to the matter that is before us tonight as in many other housekeeping matters—from the significant fact there has been a one-party dominance of this assembly for lo these many years.

An hon. member: For too long.

Hon. Mr. Grossman: Just half-way through, just half-way done.

Mr. Conway: While I realize there's a certain partisan flavour to that remark, speaking for a moment as a quasi-political scientist, I do think there are some very serious implications of one-party dominance in this kind of an assembly, as there are in Ottawa.

As my friend from Essex South implies, there is however, a particular joy for those of us elected in 1975, as I know there is for many of those members here—I see for example the member for Peterborough (Mr. Turner).

Mr. Mancini: Great joy.

Mr. Conway: I know he would share with me the sense of the new sunshine of what we would almost regard as institutionalized minority government.

An hon. member: I think he'd agree. He'll be gone next time too.

Mr. Conway: It is interesting this debate should occur at this point in time, because as many observers will note, the MPP in Ontario is very much in the news these days.

Before getting involved in the specifics of Bill 122, I must say that, like all members, I bring a certain particular and personal bias to the debate. My bias is very preferable to the financial regard as it's put forward in this particular legislation, because I am presently only 26 years of age, and am of single status.

An hon. member: We'll change that.

Mr. Conway: I must say, I'm quite prepared to appreciate the—

Mr. Roy: Officially, of course.

Mr. Conway: Officially, as the member for Ottawa East says.

An hon. member: Do you think either will change?

Mr. Conway: Like a few members here, I am slightly younger than the member for Don Mills (Mr. Timbrell) and the member for Elgin (Mr. McNeil).

Hon. Mr. Timbrell: In more ways than one.

Mr. Conway: The former member for Kent-Elgin is no longer here, he was always a useful foil in this regard. But I must say that quite frankly—

Mr. Maeck: What is this?

Mr. Conway: The member for Parry Sound says, "What is this?" As someone who is of that particular category, I can quite frankly and honestly say I am very pleased with the indemnity as it presently sits. I would go one step further in suggesting that I could, because I am delighted to be involved in this particular endeavour, and given the nature of my personal ego and ambition on a very localized scale, probably participate in this—

Hon. Mr. Timbrell: How local is the province of Ontario?

Mr. Conway:—regard for one half the indemnity that is presently offered. "From my particular point of view" is an important statement of bias.

An hon. member: We'll take care of that right away.

Mr. Conway: The corollary of that must be—and I feel it very keenly, because since my election two and a half years ago, I have really begun to wonder how some—particularly members on this side of the House—manage to survive given the present financial arrangements. I truly don't know how some of you do it, given the very major financial challenges that members face in both their constituency and legislative activities. I say that quite honestly and quite candidly.

For an opposition member who is married, of middle age, with a family of two or three—

Mr. Foulds: You're talking about me.

Mr. Conway: I may very well be speaking of the member for Port Arthur.

Mr. Martel: Four or five.

An hon. member: He's just overactive.

Mr. Conway: It is a real credit to many of the members who have endured the really regrettable levels of indemnity and salary that have been offered here over the past years.

As something of a prologue or introduction to what I think is a very important matter, I thought, with your indulgence, I would review what is, for most of us in modern Canadian political science, a rather standard text written by a very famous Canadian academic, Norman Ward. It's entitled, "The Canadian House of Commons Representation." It was published some many years ago, in 1950, in the Canadian government series. But in that particular book, there is a very fascinating chapter, appropriately and I think very relevantly entitled, for tonight's discussion, chapter six, "The Payment of Members."

Mr. Foulds: Chapter six, what verse?

Mr. Conway: We're not quite to that stage yet. I thought it might be very interesting to review, not necessarily for the edification of hon. members present, but perhaps for certain members of the gallery—

Hon. Mr. Timbrell: Take your time.

Mr. Conway:—and members of the general public who, I think, might be, if nothing else, guided to this very useful text—

Hon. Mr. Timbrell: How do you manage to strut without ever moving from your place?

Mr. Foulds: Dennis, that is the best line you've had in four and a half years.

Mr. Conway: The only honest answer I can give to the hon. Minister of Health is—

Hon. Mr. Timbrell: You do it sitting down.

Mr. Conway:—having watched you for two and a half years, I cannot imagine a more notable master.

Hon. Mr. Timbrell: You have been here for two years and three months. Don't make it any worse than it is.

Mr. Martel: Not the good old days anymore.

Mr. Conway: One of the interesting concepts that is before us in Bill 122 is the very simple word, and notion of, indemnity. I remind hon. members to think for a moment about the notion of a sessional indemnity, which is what we are really here to amend this evening. It is of course, clearly and quite obviously, not a salary but, in Ontario, as in certainly all of Canada, we have developed a system of payment for members which seeks not to pay on any regular basis a salary, but still, today, offers an indemnification to the hon. members for the time lost from their normal course of activity.

Professor Ward in his text, makes a very interesting and useful reference to the first system of indemnification employed in this province. It is quite interesting inasmuch as it lays the responsibility for the indemnification of members not with the consolidated revenue fund, not with any of the centralized financial authorities, but, most interestingly, with the particular and individual constituencies—and that, to the extent the individual constituencies were to afford the indemnity for the hon. members, a particular assessment was to be levied in each and every constituency for that specific purpose.

Mr. Foulds: Sort of like a parish and clergymen.

Mr. Conway: One wonders what good fortune many of us would have if today we had to return to Don Mills, to Brock, to Port Arthur, and, yes, to Renfrew North, to have our various and sundry constituencies allocate the revenues that provide at least a fair level of subsistence. I thought that was an interesting historical precedent.

Being a Liberal, I thought it also interesting that one of the more prominent Liberals of another day, John Stuart Mill in his essay on representative government, had this to say about the payment of members:

"The business of a member of Parliament, assuming that the member was to be paid," and the Hon. Mr. Mill did not approve at all of payment for the individual members, "but that the business of being a member of Parliament would therefore become an occupation in itself, carried on like other professions, with a view chiefly to its pecuniary return, and under the demoralizing influences of an occupation essentially precarious."

I thought that too was an interesting comment upon the development of a tradition for the indemnification of hon. members of this and other assemblies.

Mr. Ward in his text—is this now some 27 years old and I think it is rather interesting given the press comment of today at any rate—notes on page 101 that "members of Parliament have always shown an understandable diffidence in discussing and repairing the indemnity law." I think that too is an interesting comment about how certain situations and conditions continue to obtain in a later day.

[8:15]

I thought it was also interesting when we looked at that particular aspect of payment of members, how certain other of the perks developed. They are quite frankly being discussed here in this bill and in Bill 123 which is to follow quickly.

It is interesting to note as Professor Ward does, how certain of the perks developed in regard to members of Parliament and the Legislature. I know all members will be very happy to know, given the purity of our present cause, that the rail pass which we all hold so dear has its origins in some very serious influence peddling by all the major rail companies, not so very long ago. That, too, I think says something about the tradition that has evolved over the years.

Mr. Mancini: A railway pass for every member.

Mr. Conway: One of the interesting notions that no longer has relevance in the tradition, but is, I think, quite interesting, is the members' indemnity. The conditions and the contortions into which it forces individual members relates to the previous situation where members' indemnity was more or less directly related to their attendance in this assembly. One shudders to think of what implications that might have, even at so late a date.

I think it would be interesting to review just for a moment an earlier indemnity Act which contained the statement that "... a member ill at the place in which the session was held was entitled to his full indemnity"; and "... that he was at his place where the session was held, whenever he was within 10 miles of such a place." This provision may throw some hitherto unsuspected light on the annual complaints in the Legislature regarding the inaudibility of debate. Those who had the misfortune to be stricken 11 or more miles from the place, on the other hand, received no such emolument under the Act.

Those are some of the traditions and some of the vagaries which continue under the present situation.

In my own personal recollection, one of the tragedies that often attends the matter of paying members, has been the matter of how it is perceived by the public and particularly by the press.

Mr. Martel: Oh, the press. My God!

Mr. Conway: The member for Sudbury East earlier this evening in reference, I think, particularly to one hon. member of the gallery, commented with some sense of deep chagrin that there is just some continuing failure of that august body to fully appreciate the conditions that give rise to such a bill as Bill 122. I just want to say that in my own mind I guess, being somewhat of a pragmatist and somewhat cynical in that regard, I suggest it has always been so and ever will it be so. It is not a particularly easy situation to translate to the general public.

As far as the press is concerned, I can only record by way of quotation, a remark made in a prominent journal almost a hundred years ago when a particular member of the gallery noted in regard to a debate such as the one we are having tonight, and I quote: "Yes, 'tis pleasant to think as I sit in the gallery, / They agree upon one thing, and that is their salary."

Some things again, as far as this debate is concerned, don't change or alter consider-

ably. I think politicians and particularly members of this House have been their own worst enemies in this regard. They have, I think, allowed the government, albeit under previous majority circumstances to browbeat their very legitimate requests for and, in fact, needs for, improved indemnification. I think with the advent of minority government in 1975 there has been a trend to at least improve this situation.

This trend, I must admit, was not altogether improved by the Camp commission which has been referred to earlier this evening. I, too, am concerned as is the hon. member for Sudbury East, about the fact that countless thousands of dollars were allocated to that particular commission to do the very specific thing we are here to do tonight. Of course, the bill, like the commission, chooses not to do that at all.

It is interesting that one of the major contributions of that particular commission was the foisting upon this Assembly of a very considerable internal bureaucracy under which members of this Assembly continue to labour, a bureaucracy which is growing, a bureaucracy which has understandably delineated clearly its own particular interest, an interest which is clearly outlined by the various and sundry perks which are given to senior officials within that bureaucracy.

The Camp commission did not very clearly make a judgement on the most important topic I feel it had to comment upon, insofar as the indemnification of members is concerned. That, of course, is the process by means of which that salary or that indemnity will be adjusted from time to time. Like the hon. member for Sudbury East, I concur entirely in the opinion that there should be a system, a mechanism devised and implemented to regularize a process of adjustment insofar as members' salaries are concerned.

I think we must acknowledge, as the Camp commission hastened us to acknowledge, that there is no longer any justification for the notion and the concept of indemnity and the part-time status that members of a previous day enjoyed. This is understandably and very obviously a full-time occupation, John Stuart Mill notwithstanding. It concerns me deeply that still today in 1977 there are many who would discuss this salary matter in the context of what was offered in 1965 and in 1970 and would suggest how lucky some of us are who were elected in 1975 to have the very considerable perks in salary and benefits we now have.

While understandable, I think that is unacceptable inasmuch as it fails to acknowledge fully the fundamental change that has

taken place in the time frame of my good friend from Kitchener (Mr. Breithaupt) who likes to say that from about 1967 to 1968 the role of the member within this assembly changed fundamentally. I don't yet see within the debate and within the general context of members' salaries a full-blown acknowledgement that this is now for most members a full-time occupation.

It concerns me deeply that change under these conditions can be a very slow and arduous process. I was reading over the supper hour the Camp commission report—I think it's the fifth commission report. Just to show you, Mr. Speaker, how terribly slow this can move under certain conditions, it was about 1869, according to the Camp commission, that the first mileage allowance at 10 cents per mile was struck. That was 1869. That mileage allowance was not changed until 1954. I think that's a rather serious indictment of the system. Change does not move in this particular area, it seems, with a particular dispatch.

Mr. Martel: The cabinet does all right.

Mr. Conway: The member for Sudbury East says, and I think rather properly so, that if one is a member of the government, particularly of the cabinet, certainly of certain boards and commissions, then the arduous financial realities of a modern day can be mitigated to some degree. Surely the member for Scarborough Centre (Mr. Drea) is proof positive of the beneficial emoluments that go with being a member of the Treasury bench.

Hon. B. Stephenson: What did he do now?

Mr. Martel: If you aren't in the big 26, you're out of luck.

Mr. Conway: One of the things that concerns me in this regard as well is to what extent there has been any commitment or any discussion outside of the few reports. I must say as a member I don't particularly like the idea of paying thousands of dollars to strike a commission to investigate, among other things, the indemnities and the perks, if you will, of members of the assembly, and then for them then not to make a specific recommendation in terms of adjustment.

I don't particularly like that. I think it was a clear and obvious part of their mandate. To their credit, they did recommend four options for adjustment but they very carefully avoided a definitive statement or choice of any of those options. Quite frankly, I think that was a certain dereliction of their responsibility.

I do not like the situation we are forced

into, for whatever reason I care not to imagine, of striking another group of consultants to go out and investigate the conditions under which in financial terms we labour, so that they can come back and recommend what we know ourselves is true and eminently recommendable.

Can you imagine, Mr. Speaker, any bona fide consulting firm wanting to maintain good relations with this assembly, and with the government generally, coming back and recommending something less than the present rate? It seems to me there is a certain qualification in their mandate. There is a certain sense that their interest might be served if what they perceive to be, is in their interest perhaps, and is also in the member's interest in terms of a final recommendation. That's my own point of view. It may not be shared by others.

I know quite frankly, if I were a consulting firm charged with that responsibility, I rather think, being somewhat politically minded, there might be in the back of my mind a very clear understanding of what the recommendation would have to offer. I don't like that as a process. I think that is an abdication of responsibility as I think there was abdication of responsibility in the Camp commission. I think their mandate was clear as far as the adjustment requirements were concerned. Every member in this House knows that is a very serious question; there can be no question about that.

Perhaps the most significant direction and perhaps the most unfortunate turn of events in recent memory—which I resent very strongly—was the attitude adopted by the hon. Premier (Mr. Davis) about two years ago, in September 1975.

Mr. Mancini: A less than honourable position.

Mr. Conway: He took it upon himself, as only one member of the assembly, particularly during an election campaign when his prime ministerial powers, although not completely eroded were certainly qualified, not as leader of the lame duck government, but as only one member of this assembly—

Hon. Mr. Kerr: Is that a request or a direction?

Mr. Conway: —to promise to an electorate which has yet to make a decision—

Mr. Roy: An electoral promise is what it was.

Mr. Conway: —that he would restrict, if elected, the salaries of members of the next House to the levels at which they were presently pegged. I think that is a fair comment on the way government and that particular

cabinet not only view the whole question but, more importantly, how that government and how that cabinet view the role and the supremacy of this Legislature. If one-party dominance, particularly under the aegis of an oppressive Tory mentality, has done one thing, it has been clearly to reduce the role of this assembly in those matters which bear directly upon the responsibilities and the role of each and every member.

Hon. Mr. Kerr: It is all right for you to talk. You have not got chick nor child.

Mr. Conway: I think that's an unfortunate and, I hope, not to be repeated dereliction on the Premier's part, because I know him to be an eminently fine, decent, honourable member of this assembly.

Hon. Mr. Parrott: Keep on, now you're making sense.

Mr. Conway: But I cannot condone for one moment the actions of the Premier or any other Premier when those actions are of such a nature as to say such things during an election campaign.

Mr. Roy: Right.

Mr. Conway: I suppose the only mitigating factor was: Who believes politicians during an election campaign?

Hon. Mr. Kerr: We're back to 1975. Two years have gone by.

Mr. Roy: But you're limiting your remuneration to the opposition, not to the government.

Mr. Conway: I guess to the Premier's credit, as far as election promises are concerned, outside of appointing our good friend from Elgin as parliamentary secretary to the Minister of Agriculture and Food, the freeze on members' salaries is about the only other election promise I can ever remember the member for Brampton keeping. To that extent he must be commended.

But I think, Mr. Speaker, that is a serious dereliction on the Premier's part; and I hope one not to be repeated in this assembly by any other member, least of all, by the Premier of any other government in the future. Clearly, decisions of this nature are the responsibility of this assembly and of all the members who are affected by the decisions taken in this respect.

Hon. Mr. Parrott: Are you for or agin?

Mr. Roy: He is for it but he is showing the cynicism to the people on that side. That is what he is doing.

Mr. Conway: The member for Oxford asks, rhetorically no doubt, for or agin? Well, I want to assure the member for Oxford—

[8:30]

Hon. Mr. Parrott: Just plain old Oxford.

Mr. Conway: —that certainly I favour, not for my own interests but for your interests—

Hon. Mr. Kerr: Of course not, of course not.

Hon. Mr. Grossman: It is only for you, Albert.

Mr. Conway: —because, Mr. Speaker, I know what dentists make.

Mr. Martel: Orthodontists.

Mr. Conway: Orthodontists.

Mr. Acting Speaker: Order.

Mr. Conway: And I cannot imagine anything more punishing to the Hon. H.A.P., DDS, MPP for Oxford, anything more punishing than that horribly lamentable indemnity or salary of—what is it? \$42,000 and a car.

An hon. member: Dentists can make that part-time.

Mr. Conway: I can't imagine anything more devastating to his long-term financial interest than the present condition under which he and the member for Brock (Mr. Welch) and the member for Burlington South (Mr. Kerr), as members of the executive council, are forced to labour.

An hon. member: Punishing.

Mr. Conway: Those of us over here hear from time to time the quiet emanations—

Hon. Mr. Parrott: I would resign if I was over there.

Mr. Acting Speaker: Order, please.

Mr. Martel: Now we know what you are all about, Harry.

Mr. Conway: —the quiet emanations of the member for Burlington South who, while very careful not to speak on behalf of the ministry, emotes certain feelings which I suspect are very sincerely in favour of an improvement in his salary. Knowing the good works that he's done for the province, that he continues to do on our behalf with Dow Chemical and others, I want to see that particular member and his indemnity resolved.

Hon. Mr. Kerr: That boy in the front row is making twice as much as I am—dabbling in a little law in Ottawa, dabbling in a little politics at Queen's Park.

Mr. Roy: But you are making twice as much as these guys are.

Hon. Mr. Kerr: Oh, they're all school teachers.

Mr. Conway: And I am going to tell you, Mr. Speaker, that as a private member I see

certain things happening in this assembly that I don't particularly like.

Mr. Kerrio: How are we going to vote on this one, Sean?

Mr. Mancini: Putting Parry Sound in northern Ontario was one of them.

Mr. Eaton: There's a guy who puts all his mileage in round figures.

Mr. Conway: I notice in the Camp commission, volume one, page 33, the following comment, and it leads me to a discussion or brief I want to direct to this particular and I think very sensitive area, for me at least as an individual member. The Camp commission report volume one notes: "There seems to be a general concern among members, and within the government as well, that select committees are getting somewhat out of hand, and as a consequence their expenditures are getting somewhat out of control."

Mr. Kerr: Where are you going? Are you going to Israel or Sweden?

Mr. Conway: Mr. Speaker, I realize I have to tread carefully here as a private member.

Mr. Lawlor: Yes, you better be careful.

An hon. member: Oh, let yourself go.

Mr. Conway: One of the things I see happening is I hear the hon. Tories from Ontario fulminating in the back concessions, while those wretched Liberals in Ottawa are stealing the Treasury blind, ably and happily abetted by those Tories as well. Because I haven't heard anything but quiet agreement from the hon. member for High River and others with respect to the indexing of members' pensions. I find that personally indefensible. I haven't heard the Tories, outside of the erstwhile Colin Brown from London, lament about their particular involvement in that scheme. So let the hon. members opposite cast their net more widely than their partisan arms would presently allow, let them in their denunciation of certain federal members in Ottawa be careful to include their dearly beloved federal Tory friends.

An hon. member: They try, they try.

Mr. Conway: Because, you see, what the hon. Tories in Ontario are trying to say—

Mr. Eaton: Talking about all the payola up there—

Mr. Maeck: What is this, a filibuster?

Mr. Acting Speaker: Order, please. Will the member please continue and can we have a little less interruption?

Mr. Kerrio: You didn't think you were going to stop him, did you?

Mr. Roy: They are all coming from that side.

Mr. Eaton: The only ones here; where are your fellows?

Mr. Kerrio: Joe McTeer, stick it in his ear.

Mr. Maeck: Sean, stick to the bill.

Mr. Conway: The member for Parry Sound says, "Stick to the bill." I think in all sincerity these matters do directly impinge upon the principle of the bill, and that is the role of the members and how they are paid.

The Tories opposite, and the Premier not the least among them, like to strut around the province and say; "You know, the federal government has indexed the pensions of their members, and the Quebecers,"—ah, but for certain members opposite, how the National Assembly, for whatever inviting personal reasons, presents even more of an ogre since it's a provincial jurisdiction—those spendthrifts would give away the entire purse, if allowed to do so. While the federal MPs and the Quebec MNAs have paid themselves handsomely, we Tories, parsimonious protectors of the Ontario public purse, oh, no, we wouldn't allow any such thing."

Mr. Martel: At 45 grand.

Hon. Mr. Kerr: You forced us into it. You pushed us.

Mr. Conway: What has happened? The member for Brock, perhaps the most eloquent missionary of that ideal, gives a full-blown dimension to the regrettable double standard which is necessarily involved in that principle. What happened? What have we got in Ontario?

Hon. Mr. Parrott: You speak with forked tongue.

Mr. Conway: We've got very low indemnities, to be sure. But, look across the way, and there they are—the people's choice. A minority choice, but there they are.

Mr. Maeck: Right.

Hon. Mr. Kerr: Ad infinitum.

Mr. Conway: What do the sprained flippers on the government back benches have? They might have for their loyal and happy obedience to the front-bench executive council, the chairmanship of the Niagara Parks Commission.

Mr. Makarchuk: With travelling allowances.

Mr. Conway: With travelling allowances.

Mr. Makarchuk: Over and above their regular allowances.

Mr. Conway: Over and above their regular allowances.

Hon. Mr. Kerr: Let the member for Brantford send me a card from Sweden.

Mr. Conway: They might belong to the St. Lawrence Parks Commission, wondrous and multitudinous good deeds for the people of Ontario. We have various and sundry parliamentary secretaries.

Mr. Roy: With cars.

Hon. Mr. Kerr: With their old cars.

Mr. Conway: I won't say with cars because I see the member for Middlesex nodding his head. I know how he feels.

Mr. Roy: The use of a car.

Mr. Conway: Certainly he does not, as I recall on one particular occasion, take advantage of his car, and I give him great credit for that. But they're all receiving \$5,000 for what, other than the clear titular nature of their position, I yet have no idea. They give no answers in the House—

Hon. Mr. Kerr: They introduce bills.

Mr. Conway:—and there is no opportunity for members to question them in the absence of their minister. How some of us opposite would relish the opportunity to ask—I won't be particular—certain parliamentary secretaries to comment upon the general directions of their ministries. I doubt not at all that certain of those parliamentary secretaries could do so with almost cabinet aplomb and success. I suspect it's fairly thin soil beyond the first PA or two.

Hon. Mr. Kerr: Depends on the question.

Mr. Roy: The member for Renfrew South is looking at you with beady eyes out there.

Mr. Yakabuski: The member for Ottawa East doesn't want an increase. He is here only two days a week.

Mr. Acting Speaker: Order, please.

Mr. Roy: I do more here in two days than the member for Renfrew South does in the whole week.

Mr. Acting Speaker: Order. Would the members for Renfrew South and Ottawa East please refrain from talking to each other, except outside in the corridors.

Mr. Eaton: Step outside, fellows.

Mr. Roy: Parliamentary assistant, what a laugh!

Mr. Yakabuski: He doesn't need an increase.

Mr. Acting Speaker: Order. Would the member for Renfrew North please continue?

Mr. Conway: As a matter of interest, the member for Renfrew South has, as I think have the member for Sault Ste. Marie (Mr. Rhodes), the member for Durham West (Mr. Ashe) and many members of the government, jokingly cast disparagement at my friend from Ottawa East for his less than regular attendance from time to time.

Mr. McNeil: Four days a week. Is that "from time to time"?

Mr. Conway: Let me say to hon. members opposite, to the extent it's worthy of any comment, that is not something about which we would individually want to make public comment. I can recall, as a member coming in in 1975, a particular member who sat just about directly opposite in the back row not being here a great number of days. Far be it from me to make a judgement as to why he was not here.

Mr. Roy: Weeks at a time.

Mr. Conway: We know one obvious and clear reality. Taking my good and honourable friend from Ottawa East as an example, how could any distinguished member of the bar continue to afford himself and his family any level of subsistence on the indemnity that is offered him here in the Legislative Assembly? The member for Renfrew South, I think, very understandably, expresses a concern in this regard.

Mr. Roy: Just like your colleague.

Mr. Conway: Well, I know his particular concern. I would we all had such financial resources and such positions as parliamentary secretaries. But some of us are poor working men.

Mr. Roy: That's right, we've got to earn our living.

Mr. Conway: Some of us are professionals working on a part-time basis—

Mr. Kennedy: When are you going to say something?

Mr. Conway: —to supplement an income which would lead under other conditions down an unhappy road to Tory-inflicted penury.

Mr. Makarchuk: They've done it for the rest of Ontario and they want to do it to us.

Mr. Martel: It's called class. It's a class system.

Mr. Conway: What happens when we do not face this matter in a forward, above-board honourable way, is certain accommodations are evolved over time which in all candour I do not think reflect generously or positively upon this House collectively or on members individually. Speaking as a

private member, one observation I have to make is that under the salary scales of the 1960s and 1970s the indemnity levels afforded to members in this House leave many members no other choice but to avail themselves of the select committee work. This work is available for all kinds of good reasons, independent of these other considerations. As an individual private member it is my observation the regrettable salary posture adopted by years of Tory reactionary rule has led to an unfortunate but real and serious perversion of much of the select committee principle in this Legislature and in this province. Members of the opposition particularly want to do a good and honourable job for this province and for their constituency.

Mr. Kennedy: Your time has expired. Your time has expired.

Mr. Conway: Well, time may very well be out while you can sit and pontificate as parliamentary secretary to the Minister of Education (Mr. Wells)—

Mr. Kennedy: Your time has run out and you haven't said anything yet. Are you for it or against it?

Mr. Conway: —doing what good for the people of Mississauga South and the people of this province I cannot imagine. I think this has to be said on behalf of the average back-bencher. I suspect the hon. member for Mississauga South is as hide-bound—

Mr. Kennedy: At least he is an amateur compared to you.

Mr. Conway: —a Tory in this regard as John Strachan ever was.

Mr. Kerrio: Mr. Speaker, are you going to buy that? I've heard of interjecting but that is ridiculous.

Mr. Speaker: Order.

An hon. member: Tell the member for Renfrew North to talk to the bill.

Mr. Speaker: Would the member for Niagara Falls and Mississauga South please pay attention to the member for Renfrew North, who has the floor?

Mr. Kerrio: Do your stuff, Mr. Speaker.

Mr. Speaker: Order.

Mr. Kerrio: Do your job, Mr. Speaker, and stop that foolishness.

Mr. Speaker: Order, please. Could I please ask all members to respect the Chair and to respect the member who is speaking? Only the hon. member for Renfrew North has the floor.

Mr. Conway: Mr. Speaker, the natives op-

posite are nettled and restless, and well they should be.

Mr. Kennedy: I can't stand it.

Mr. Roy: The truth hurts, eh boys?

Mr. Conway: I see the member for Mississauga South handing out an olive branch and suggesting we should speak to the bill. Well, the fact of the matter is, for such members lately arrived,—

Mr. Kennedy: Olive branch? I was throwing a cannon at you.

Mr. Conway: —there is a very significant debate in this regard.

Mr. Kennedy: We don't grow olives in Mississauga South.

Mr. Conway: When I see the member for Mississauga South sitting over there with the member for Brock, I think in those personalities the Family Compact is reincarnated.

Mr. Makarchuk: Right on, Sean, right on.

Mr. Conway: Let me say this, that the members of the government run around the province saying they have given retrenchment and financial control under the Treasurer (Mr. McKeough) and the rest of them, and have given a new dimension to this province. Let the truth of the matter in this particular and important regard be well known. They haven't had the guts. They haven't had the intestinal fortitude to face the question as it should be faced, frontally, honourably before the people of this province and before the press and others in this assembly. I, as one private member, not so long arrived, do not like being part of the general condition as it exists. The natives opposite thump their desks very unhappily about what I have been saying about general conditions and yet I see—

Mr. Kennedy: I never touched the desk, I never even put my foot on it like the hon. member for Sudbury East does.

Mr. McClellan: You leave him alone.

[8:45]

Mr. Conway: —the member for Parry Sound sitting over there looking at me and saying why don't I speak to the principle of the bill. As I see this bill, it is—

Mr. Maack: That was half an hour ago.

Mr. Conway: —the principle of the role of the member and how he is to be paid. I want to say before concluding that those hon. members, and that one in particular, were—

Mr. Maack: Who? Me?

Mr. Conway: —part of a small group, honourably and justifiably constituted, that

not so very long ago forwarded and saw to the passage of a minute in the Board of Internal Economy—

Mr. Mancini: Shame!

Mr. Conway: —which would allow me, as a private member, to apply my \$4,200, or whatever, as an out-of-town allowance—

Mr. Roy: Shame! Shame!

Mr. Conway: —to the securing of a mortgage—

Mr. Roy: Who is taking advantage of that, I wonder.

Mr. Conway: —on my private property in Toronto. I want to say again, as a private member, in regard to this bill, I find that repugnant in the extreme.

Mr. Roy: Anybody got nerve enough for that?

Mr. Conway: Not that I cannot understand, for a moment, the very justifiable concerns that have led certain members to want a change to be made. As has been said, "Why should we pay the \$4,200 in that regard to Cadillac Fairview, or some hotel, when we have got property that we would like to buy in this province, this town, or city? And why can we not do it that way?" Nowhere in that pure virtuous Tory mentality has there been any appreciation of a salient significant fact, which should surely dictate that the principle fundamental to that discussion, the principle that makes that a most repugnant doctrine, is that it is clearly the application of public money for private gain.

Mr. Eakins: Mike Cassidy was the first to do it.

Mr. Yakabuski: Wait until he hands back the \$80,000, Elie.

Mr. Speaker: Order, please.

Mr. Conway: If I am here for 10 more years, God forbid, why should I expect the taxpayers of Ontario, for the next 10 years, to allow me, at their expense, to build—

Mr. Roy: You are not taking advantage of that, are you, Paul?

Mr. Conway: —\$40,000 worth of equity in a property that is mine, after my term has expired?

Mr. Speaker: Could I ask the member for Renfrew North to return to the principle of this bill?

Mr. Conway: Mr. Speaker, surely that is some very relevant and recent comment on how the Tories in 1977 view things in this particular and specific regard.

Mr. Mancini: They'll never live that one down.

Mr. Conway: They have got a nominalist's capacity to hair-split and it is high time that this government and the members opposite understand the very important principle that members of this assembly, individually and collectively, have certain rights and responsibilities as members, which cannot in future be avoided or abdicated to royal commissions, to Hickling-Johnston or to whatever. There is a principle at stake here, and that is, we have got a responsibility to acknowledge the role of full-time members of the assembly.

Mr. Martel: Without plums.

Mr. Conway: If anything should be done as a concomitant to this bill, it surely should be the removal of those various members opposite, particularly on the back benches, from all of those boards and commissions where they are able to derive revenues which I feel do not, in any way, relate to their responsibilities as, in the modern day, members of this Assembly.

Finally I would recommend to members opposite—particularly the serious and puzzled-looking member for Parry Sound, who I thought very eloquently commented about certain of these attitudes about a week ago, and I would encourage the chief government whip to crack a little tighter around certain members sitting in the bench immediately before him—that there is a principle involved in Bill 122 and it is, simply, the principle of the supremacy and independence of Parliament.

Clearly when it comes to salaries, indemnities and perks we must face the reality that it is a difficult decision for us to make. There must be an adjustment process, which has been cleverly avoided by both the government and certain agencies struck by it, to determine an acceptable process. No future bill of this kind should be allowed, and in fact the member for Sudbury East may be contemplating certain things to remove the unfortunate condition from this bill that never again should we, as members of this assembly, be faced with the unfortunate and invidious task of raising our own salaries on such a purely ad hoc basis.

I think surely that is an important responsibility, not one to be blithely dismissed as is so often the wont of the Tories opposite; and surely we must, at this debate or very nearly in the future, come to some firm resolution about the mechanism that will allow a regular adjustment to the indemnities or salaries afforded members of this House.

Mr. Foulds: Mr. Speaker, I want to say a

very few words in support of the bill. I guess this is the second time I've been in the House when we have debated a bill giving ourselves a raise in pay. I am always disturbed and unsettled by the debates, because they always take place hurriedly, they always heckle one another in a kind of defensive manner that is frankly unbecoming the dignity of the chamber or the seriousness with which we approach our jobs.

I want to say that I have worked in the pulp mills and on the railroads of this province. I have worked as an academic teacher and I have worked in this Legislative Assembly. I know a good many people who work in a wide range of professions. I want to say proudly as a member of this Legislature, with a very few notable exceptions there is no harder working group of people than the members of this assembly. I say that without embarrassment, and about members of all parties.

We have, it is true, a small number of slackers in this assembly; but the percentage is, I put to you, far less than it is in almost any other profession or group of working people I have encountered. So I make no apologies in rising to support this bill.

One of the ironies in all this is that the last job I held before being elected to this Assembly was that of a high school teacher. With the raise that we will be receiving when this bill passes, I will still be paid less as a member of this Assembly than I would be as a high school teacher with the experience that I would have had at this stage; and a high school teacher is not the highest paid of the professions—

Mr. Roy: It's not.

Mr. Foulds:—nor is it the lowest, it is approximately average.

I want to make and emphasize two points that have been made previously by speakers. I think the job of a person in the Assembly is a full-time job, and that we should not have to pad it, in the way that it is padded often on the government side, through appointments of back-bench members to agencies, boards, commissions and parliamentary assistantships;—

Mr. Martel: At \$2,000 a year.

Mr. Foulds:—and of opposition members, if I may say so, to select committees—

Mr. Martel: Nickel and diming.

Mr. Foulds:—that occasionally may not have matters of pressing public importance to debate, discuss or discover. We should therefore not try to get through the back door what we cannot get through the front

door, and pad our incomes unnecessarily in that way.

Finally, I want to say, in concurrence with the member for Sudbury East who spoke before supper, and the member for Renfrew North who just spoke, that we must find a mechanism that reviews members' salaries adequately and annually. I don't think that should be a private and hidden mechanism, like the federal indexing is, which quietly slips a raise through as it did two or three weeks ago. I think that the raise, when it comes, should be public; and it should be seen to be presented as objectively as possible and not be seen, as it is today unfortunately, as a smash and grab on the store.

Mr. Roy: Just before Christmas.

Mr. Foulds: I just want to finish by saying I support the bill. I am proud to do so. I am proud to be a member of this Assembly, not merely because of my colleagues in this Assembly, but also to represent the people of my riding. Frankly, leaving aside my own capabilities or qualifications, I can see no more important function in this society than representing electors and to try through government to right the wrongs and social and economic ills of the present day.

Mr. Yakabuski: I rise to comment on this bill this evening. I think one has to put himself in other shoes and look at it from different directions. I'm sure all of us can give many reasons why there should be an increase in members' salaries and allowances. On the other hand, the very thing that governments at all levels over the past months, and this government over the past four or five years, have been talking about is restraint.

In the industrial sector, the manufacturing sector, the post office or whatever, all we hear today is demands for increases. Farmers in rural Ontario are terribly upset about a 5.7 per cent increase in Hydro rates, and justifiably so. Everybody is upset about increases, whatever shape or form they take in 1977. It goes all the way back to about 1972 when spiralling inflation became rampant in this country. Those are some of the reasons why, perhaps, most of the members of this Legislature will support this bill. I want to go on record as saying I'm opposed to this bill. I'm very disappointed that the leader of the Liberal Party and the leader of the NDP did not rise in this House during this debate and carry the load for their members.

Mr. Martel: Neither did the Premier (Mr. Davis).

Mr. Yakabuski: At the same time, it's common knowledge that the Leader of the

Opposition (Mr. S. Smith) and the leader of the other party (Mr. Lewis) have been hounding the Premier for weeks for this increase.

Mr. Makarchuk: That's a lot of bullshit.

Mr. Yakabuski: That is not.

Mr. Deputy Speaker: Order.

Mr. Martel: Mr. Speaker, on a point of order, that is distortion and I'll not accept it.

Mr. Yakabuski: That is not distortion.

Mr. Martel: Mr. Speaker, on a point of order, that member will withdraw that comment.

Mr. Yakabuski: It's common knowledge.

Mr. Deputy Speaker: Order.

Mr. Martel: It is cheap and it is unwarranted.

Mr. Lawlor: If you are against it, say so.

Mr. Kerrio: He said so.

Mr. Martel: That is uncalled for and it will not be tolerated. That is garbage.

Mr. Yakabuski: He can call it what he may.

Mr. Deputy Speaker: Order. Would the member take his seat?

Mr. Martel: I will not accept that, Mr. Speaker. I will not sit down until he withdraws that comment about my leader and about the leader of the Liberal Party. I'll not accept it.

Mr. Deputy Speaker: Order.

Mr. Kerrio: Sit down. The Speaker said "order," so you're supposed to sit down, you kook.

Mr. Martel: He'll withdraw that or we won't move. I tell you that now, Mr. Speaker.

Mr. Deputy Speaker: We won't move anywhere if we don't get some order.

Mr. Martel: I appreciate that, Mr. Speaker, but that guy is not going to get away with that nonsense. I've had enough crap from that jackass.

[9:00]

Mr. Deputy Speaker: Order, order. First of all, would the hon. member withdraw that comment?

Mr. Martel: Mr. Speaker, I am sorry for having said he was a jackass but I call them as I see them; and when somebody makes that kind of statement, I am not going to withdraw it. I am sorry.

Mr. Deputy Speaker: For the second time, would the hon. member withdraw that?

Mr. Martel: All right, Mr. Speaker, on your request, I will withdraw my comment.

Mr. Deputy Speaker: It has been sug-

gested by the member for Sudbury East that the member for Renfrew South made comments regarding the other leaders. Would the member for Renfrew South withdraw those comments?

Mr. Yakabuski: Well, Mr. Speaker, I might alter them to read "vigorous representation."

Mr. Martel: No. He will not alter them. He will withdraw them.

Mr. Deputy Speaker: Order.

Mr. Yakabuski: I will not withdraw "vigorous representation."

Mr. Lawlor: You'll modify them; you'll change them.

Mr. Deputy Speaker: Order! Would the hon. member withdraw those comments?

Mr. Yakabuski: I withdrew the comment "hounding," and I modified it to read "vigorous representation."

Mr. Martel: No, Mr. Speaker. That's not correct, and we will not accept it here this evening. You will ask him to withdraw it—

Mr. Deputy Speaker: Order. Would the hon. member take his seat?

Mr. Kerrio: Both hon. members.

Mr. Martel: Yes, Mr. Speaker.

Mr. Deputy Speaker: Would the hon. members take their seats?

Mr. Martel: He's nuts.

Mr. Deputy Speaker: It almost appears that we have come to grave disorder; and if the members can't control themselves, I will have to ask for a recess.

Mr. Martel: I can control myself. Make him withdraw that, totally.

Mr. Deputy Speaker: I said "order." If the members can contain themselves, we will continue.

Mr. Martel: No. He'll withdraw it totally. He won't alter it; he'll withdraw it totally.

Some hon. members: Call a recess.

Mr. Foulds: On a point of order, Mr. Speaker—

Mr. Deputy Speaker: Order. I hope all the members will contain themselves. I am quite satisfied with what the member for Renfrew South stated.

Mr. Martel: No, I am not buying it, Mr. Speaker.

Mr. Deputy Speaker: As I understand it and from listening to the discussion, I consider it more of a debate, and I would say to the members of the House that I will acknowledge that and ask the member for Renfrew South to continue.

Mr. Martel: On a point of order, Mr. Speaker—

Interjections.

Mr. Martel: No, let me speak to the point of order. There is no justification from the member for Renfrew South to either suggest that the leader of the official opposition or the leader of the third party in fact vigorously pursued, as he is now trying to say, an increase in the members' indemnity any more than the government side of the House.

Mr. Eaton: It's just an interpretation.

Mr. Kerrio: It's a cheap shot.

Mr. Martel: As I stand here, Mr. Speaker, I will not accept that allegation against the leader of the official opposition or the leader of my party. That's totally untrue and I will not accept it. I am sorry, Mr. Speaker, but I ask you to ask that member to withdraw that totally from his statement—

Mr. Warner: He doesn't know what he is talking about.

Mr. Martel: —not unequivocally but totally—to withdraw the allegations he made about Leader of the Opposition and the leader of the New Democratic Party, my leader. I will not accept his garbage. I just won't.

Interjections.

Mr. Martel: I am asking you to make that member withdraw those statements, Mr. Speaker, because I am not prepared to accept that he suggests that it was the Leader of the Opposition and the leader of the New Democratic Party who vigorously pursued the Premier to bring an increase in salaries to all members of this Legislature. If he doesn't withdraw, Mr. Speaker, we will not continue until he withdraws that statement. I am sorry.

Mr. Speaker: Order, please.

Mr. Martel: Yes, Mr. Speaker.

Mr. Speaker: The hon. member for Sudbury East is entirely out of order. We are dealing with second reading of Bill 122, where everybody has an opportunity to express his views about the bill that's before us. He has an opportunity to participate later in the debate. He has an opportunity to vote as he sees fit.

Mr. Warner: That member shouldn't mislead the House.

Mr. Speaker: Every member of the Legislature has an opportunity to be heard. It's my understanding that the hon. member for Renfrew South has the floor, and I will listen to him now and nobody else.

Mr. Martel: Mr. Speaker, on a point of order.

Mr. Speaker: There is nothing out of order.

Mr. Martel: Yes, there is.

Mr. Speaker: We are dealing with second reading of Bill 122. Will the hon. member take his seat; take your seat, please.

Mr. Martel: He made an allegation against the leader of this party which I am not about to accept.

Mr. Speaker: That's your tough luck.

Mr. Martel: Well no it isn't.

Mr. Speaker: You will take your seat or I will name the hon. member right here and now.

Mr. Martel: No, he cannot make a statement with that allegation against the leader of this party.

Mr. Speaker: I name the hon. member right now. Will the hon. Sergeant at Arms—

Mr. Martel: You might, Mr. Speaker, but he's out of order.

Mr. Speaker: He's not out of order at all.

Mr. Martel: You'd better look at Hansard.

Mr. Makarchuk: I think he's a bloody liar myself.

Mr. Warner: He misleads the House and you know it; he misleads the House.

Mr. Speaker: The hon. member for Scarborough-Ellesmere will also withdraw the remark, or he too will be named.

Mr. Martel: No, don't; don't.

Mr. Warner: No.

Mr. Speaker: It's not debatable at all. You can challenge my ruling, but you cannot accuse another member of misleading this House. I am asking the hon. member to withdraw the remark.

Mr. Warner: Mr. Speaker, as I stand here, he misleads this House. I'm sorry.

Mr. Speaker: I will also ask the Sergeant at Arms to escort the hon. member for Scarborough-Ellesmere out of the House.

[Messrs. Martel and Warner were escorted from the Chamber by the Sergeant at Arms]

Mr. Lawlor: You are leaving us with no members.

Mr. Warner: You ought to call a quorum.

Mr. Bradley: You'll get another \$5,000 a year, like the member for Renfrew South.

Mr. Makarchuk: That's right; he's parliamentary assistant now.

Mr. Bradley: Volunteer to give up the \$5,000.

Mr. Roy: That's right; why don't you give it back?

Mr. Bradley: That's a good point.

Mr. Speaker: The hon. member for Renfrew South has the floor, speaking to the principle of Bill 122. I will ask him to confine his remarks to the principle of this bill.

Mr. Lawlor: Right, withdraw everything he has said so far.

Mr. Grande: And then sit down.

Mr. Lawlor: As a question of privilege, I feel mortally, personally wounded.

Mr. Roy: You got a lot of nerve to talk now, Paul.

Mr. Kerrio: You've outdone yourself, leather lungs.

Mr. Yakabuski: Mr. Speaker, to take up where we left off a few moments ago—

Mr. Speaker: Could we have some order, please.

Mr. Yakabuski: —it is my feeling that the introduction of—

Mr. Lawlor: Don't do that, start somewhere else.

Mr. Kerrio: You should go outside.

Mr. Yakabuski: —Bill 122 is most untimely, untimely for the reason that only last September was an increase given to the members of this Legislature.

Mr. Reid: Have you bought your condominium yet?

Mr. Swart: You knew there was going to be another one.

Mr. Reid: You have got to be the biggest hypocrite in this place.

Mr. Speaker: Order, please. I want to remind all members of this House that this is a parliamentary democracy. Every member has an opportunity to be heard as long as their remarks are relevant and topical. I wish you'd give every member of this House an opportunity to be heard.

Mr. Swart: Incorrect or derogatory doesn't matter.

Mr. Yakabuski: In view of the fact that a raise was—

Mr. Lawlor: Purlblind, backward, retrograde or anything else.

Mr. Yakabuski: —retroactive to last September, to come here three months later—

Mr. Lawlor: What posturing; what an actor you are; Laurence Olivier.

Mr. Yakabuski: —and ask the people of this province to again increase the indemnity, I think is not right.

Mr. Riddell: There is nobody more hypocritical than you are.

Mr. Yakabuski: In view of the fact that we here—

Mr. Lawlor: Who are you currying favour with?

Mr. Speaker: Will the hon. member for Lakeshore please be quiet?

Mr. Lawlor: Somebody has to put him down.

Mr. Yakabuski: In view of the fact we in this Legislature are asking municipalities, are asking ministries—

Mr. Lawlor: Besides, Mr. Speaker, the only vitality is in the interjections.

Mr. Yakabuski: —are asking everyone to belt-tighten in these very difficult times.

Mr. Kerrio: That's hypocrisy of the first order.

Mr. Lawlor: When are you going to quit your job?

Mr. Yakabuski: I think if we are to get the message across to the people of this province, regardless of where they work—

Mr. Bradley: Set an example, give \$5,000 back.

Mr. Yakabuski: —then we have to set some examples; you said it, we have to set some examples.

Mr. Swart: Share the poverty your government is forcing on them?

Mr. Kerrio: What are you going to do with the five grand, give it back?

Mr. Yakabuski: The members of this House, regardless of party, regardless if they're here for their first term or if they have been here for some time—

Mr. Lawlor: He's picking up money on the side.

Mr. Yakabuski: —all of those people, as candidates—

Mr. Lawlor: What hypocrisy.

Mr. Yakabuski: —knew full well what the remuneration would be if they were elected to this Legislature.

Mr. Reid: Have you ever wondered why you are not in the cabinet?

Mr. Lawlor: You can't raise your pay before the election, you can't raise it after.

Mr. Kerrio: I defy you to stand there and say you're going to give it back.

Mr. Bradley: Yes, \$5,000.

Mr. Reid: You are an embarrassment to your party.

Mr. Kerrio: Come on, let me hear you say that.

Mr. Speaker: Order, please. The hon. member for Niagara Falls will have his opportunity to speak in the debate.

Mr. Yakabuski: I don't dispute the fact, Mr. Speaker, that perhaps most or all of the members in this Legislature need it or could use it. That I don't dispute for one moment.

Mr. Foulds: Just give it back, Paul.

Mr. Yakabuski: I happen to have five boys in university or community college, three in high school, one in elementary school—

Mr. Mancini: You are taking advantage of the system.

Mr. Yakabuski: I don't think there is anyone on any side of this House that could dispute the fact that the member for Renfrew South could use it too.

Mr. Swart: You are getting \$5,000 extra.

Mr. Roy: You have a big hardware store and the whole bit, who are you kidding?

Mr. Yakabuski: I am not there four days a week, and we don't have the kind of return we do in the law profession.

Mr. Roy: Oh yes, I would like to have the hardware store.

Mr. Yakabuski: You heard what Moishe Dayan said—

Mr. Lawlor: What did Moishe say?

Mr. Roy: You are the biggest phony in this place.

Mr. Yakabuski: —when they defeated Egypt.

Mr. Roy: You are getting an extra \$5,000 for being parliamentary assistant; you should give that back.

Mr. Speaker: Order, please.

Mr. Yakabuski: You know what Moishe Dayan said when they defeated—

Mr. Lawlor: Sit down, Moishe.

Mr. Speaker: Order. Will the hon. member take his seat? There is nothing having to do with the Middle East contained in the principle of this bill. I want to caution the hon. member that he will confine his remarks to the principle of this bill that deals with emoluments for the members of this Legislature in the year of our Lord, 1977. Moishe Dayan isn't even mentioned.

Mr. Eaton: You should have been here when another member was speaking—all in quotations.

Mr. Yakabuski: Mr. Speaker, I appreciate your direction and I accept it. I only wish that you had been here when some of the other members of this Legislature spoke on this same bill.

I know many of us are disappointed. Most of the members of this Legislature don't make as much money as the Ombudsman's chauffeur, but the Ombudsman's chauffeur knew what he was going to get when he was hired.

Mr. Reid: Oh, what a bunch of baloney.

Mr. Foulds: He also knows he can ask for a raise, you silly twit.

Mr. Yakabuski: But we too knew what we were going to receive when we stood for nomination and ran as candidates in this election, or any other one.

Mr. Foulds: And that's all you should take home.

Mr. Reid: That is why you have been here so long and you are not in cabinet.

Mr. Lawlor: Paul, that is not fair.

Mr. Foulds: You knew you were going to get more than you are worth.

Mr. Kerrio: You haven't said it yet.

Mr. Cooke: Just return the money; just return it.

Mr. Samis: Are you stooping to demagoguery?

Mr. Speaker: Order. Will the hon. member please proceed, or sit down.

Mr. Lawlor: Preferably the latter.

Mr. Roy: The best thing that could happen is that Bill 122 would get rid of you.

Mr. Yakabuski: Mr. Speaker, if I have to tolerate those interjections, am I not entitled to—

Mr. Speaker: You don't have to tolerate them, just ignore them and direct your remarks to the Speaker. I hope they deal with the principle of Bill 122.

Mr. Yakabuski: As I mentioned earlier, because of the timing of this, because of the increase in September and because of asking municipalities, labour—everyone—to restrict their demands to the minimum, we here should do likewise.

Mr. Foulds: And we have done; it is within the AIB guidelines.

Mr. Yakabuski: And for that reason—

Mr. Reid: Since 1973 we have done that.

Mr. Yakabuski: For that reason I have to oppose Bill 122 at this time.

Mr. Kerrio: You are going to do the honourable thing, aren't you, Paul? Commit hara-kiri.

Mr. Reid: He just did.

Mr. Swart: You already did it, eh Paul?

Mr. Yakabuski: If I have learned one thing—

Mrs. Campbell: You haven't.

Mr. Yakabuski: —in my years in this Legislature, it is that no one can chase a tax dollar like a socialist; no one, absolutely no one.

Mr. Foulds: You haven't learned very much in this Legislature, have you?

Mr. Yakabuski: You remind me of the Treasurer of Saskatchewan, who borrowed \$300 to—

Mr. Samis: They have a balanced budget in Saskatchewan; what have you got?

Mr. Speaker: That has nothing at all to do with this bill.

Mr. Yakabuski: When the president of Inco—

Mr. Speaker: Order! That has nothing at all to do with the principle of Bill 122. I will recognize another speaker if the hon. member for Renfrew South again deviates from the principle of this bill.

Mr. Lawlor: Perfectly right, throw him out.

Mr. Yakabuski: Well, it is unfortunate when some members are allowed to deviate and go in all directions, but I accept your ruling, Mr. Speaker.

[9:15]

Mr. Lawlor: What a provocative purblind person you are!

Mr. Yakabuski: In closing I can only say, for the reasons given, that I have to oppose this bill at this time.

Mr. Riddell: What a hypocrite!

CALLING MEMBERS TO ORDER

Mr. Foulds: On a point of privilege, Mr. Speaker, could I with great respect draw to your attention standing order 16(a), subsections 8, 9 and 11? The rule says: "In debate, a member will be called to order by the Speaker if he makes allegations against another member, imputes false or unavowed motives to another member, uses abusive or insulting language of a nature likely to create disorder."

In drawing that to your attention, may I suggest that was the point my colleague from Sudbury East wished to make with regard to the member for Renfrew South and the Speaker should rightly have called the member for Renfrew South to order when he made those allegations about the Leader of the Opposition and the leader of the New Democratic Party.

Mr. Speaker: The hon. member for Port Arthur may indeed have a legitimate point

of privilege. It is unfortunate I was not in the Chair. The only reason the member for Sudbury East was named was that he refused to take his seat when ordered to do so by the Speaker. That was the only thing I could deal with at that particular point in time. He was removed, not because he may have had a legitimate point of order or point of privilege, but because he refused to take a seat and chose to take the course of being named because he refused to do so.

The hon. member for Scarborough-Ellesmere was named simply because he refused to withdraw an allegation that another member was misleading the House. I don't know what went on in the debate. You may indeed have a legitimate point of privilege. I will have to refer to the transcript of what went on earlier. I am not in a position at this time to indicate whether or not the hon. member for Renfrew South should have been called to order for remarks he made earlier. I can only deal with the situation as I found it at the time I made the ruling. I am not in a position to say whether or not you have a valid point of privilege.

Mr. Foulds: I appreciate that, Mr. Speaker. I would ask you to review the transcript to see if the comments I made are appropriate.

Mr. Speaker: I will.

Mr. Roy: Mr. Speaker, on that point of order—

Mr. Speaker: It is a point of privilege.

Mr. Roy: You may call it a point of privilege. I want to bring to your attention that I was, some time back, the recipient of a ruling from the Chair, although not from you, in relation to a similar statement about misleading. You may correct me and I may be totally out of order, but I heard the member for Scarborough-Ellesmere say "misleading" as such and not "deliberately misleading." I want to say to you, I thought the previous Speaker had made a ruling in relation to using the term "misleading." Misleading could be used in different ways. It could be stupidly misleading, innocently misleading or deliberately misleading. I thought it was the accompaniment of the imputation that one was deliberately misleading the House; I thought there had been a ruling on that about how far one could go in that area.

Secondly, Mr. Speaker, I am sure you are aware that in the federal Parliament, Mr. Speaker Jerome consistently and continually allows members to use the word "misleading" as such as long as it is not coupled

with the motive at the other end of it, being "deliberately misleading." I would just bring that to your attention, so that there can be some clarification of that and whether we are going to follow the previous ruling from the Chair.

Mr. Speaker: I did have some experience with this situation when I was Deputy Speaker of this House. I have taken the position that there is a very subtle and almost meaningless difference between accusing a member of misleading the House and deliberately misleading the House. I think the notion or the imputation is exactly the same. I have always held that whether a person accused a person of misleading the House or deliberately misleading the House there was very little difference between them.

You may say that there is a subtle difference. In my own opinion I see very little difference.

Mr. Roy: I think there is.

Mr. Speaker: I want to indicate there is a difference between standing orders here, standing orders in Ottawa and standing orders in the mother of Parliaments in Westminster. A member here who feels he has been unjustly dealt with by a ruling from the Chair has every opportunity to challenge the ruling of the Chair. The only opportunity that you don't have to challenge a presiding officer is during question period.

Over the last two or three years, there was very little difference in the opinion of the presiding officer between an accusation of deliberately misleading the House and of misleading the House. That's how I have been guided; and until I'm challenged by the House, whose servant I am, I will continue to rule in that way.

LEGISLATIVE ASSEMBLY AMENDMENT ACT

Mr. Speaker: I will recognize the hon. member for St. George on the principle of Bill 122.

Mrs. Campbell: Thank you, Mr. Speaker. You may not like what I'm going to say. I would just like to say with reference to the deplorable situation in this debate in this House, that whatever may be the opinion of the member for Renfrew South, I can assure this House that my leader did not participate in the way described by the member for Renfrew South.

Some hon. members: Right on.

Mr. Riddell: I would think the government House leader would get up and verify

that. If he was any kind of a man at all, he would do that.

Mr. Reid: He's too embarrassed by that last idiotic speech.

Mr. Yakabuski: No, he's not embarrassed.

Mr. Riddell: That's right. He should have got up when that guy—

Mr. Speaker: The hon. member for St. George is the only one who has the floor at the present time.

Mr. Riddell: What a hypocrite. He would not know how to be embarrassed.

Hon. Mr. Welch: The government House leader has been involved in no discussions with the leader of the official opposition. Let's get that on the record right now. I have not personally been—

Mr. Speaker: Order.

Mr. Riddell: Does the government House leader approve of his colleague's remarks?

Hon. Mr. Welch: That's another matter.

Mr. Speaker: Order. The government House leader doesn't have the floor, nor does the member for Huron-Middlesex. The hon. member for St. George is the only one I want to hear from.

Hon. Mr. Welch: That is quite right. I'm sorry.

Mrs. Campbell: Thank you, Mr. Speaker. I would like to say at this time that I think the rules of this House ought to demonstrate clearly the need for dignity in debate in this august chamber and the need to recognize one another, whatever our political point of view may be, as hon. members of this Legislature.

I suggest to you, Mr. Speaker, that regardless of the language used, there is no doubt in my mind that the dignity of the leaders of both parties has been challenged in a way which I find to be totally unacceptable as a member of this House.

Mr. Grande: And he should withdraw those remarks.

Mrs. Campbell: Mr. Speaker, in addressing myself to the principle of the bill, I would like to express my own dichotomy about section 2 of this bill. There is no doubt in my mind that, as part and parcel of this bill, obviously there is a provision to try to control the expenditures of the Ombudsman. There is no doubt in my mind that the Ombudsman must be subject to the control of this Legislature in his expenditures as anyone else is.

My dichotomy from the start has been that when we first tried with anguish to find a method to review his budget, we ended

up with the review by the Board of Internal Economy. I do not ascribe any evil motives to the Board of Internal Economy, but the perception of review by that body is that there is the element of control of the Ombudsman by a board, members of which are three cabinet ministers. This bothers me, Mr. Speaker, in principle.

I have pointed out that one of the real problems with this type of budget is the kind of problem that a municipality faces in dealing with the budget of, for example the city solicitor; because, Mr. Speaker, the city solicitor cannot in any given year foresee what legal battles there may be facing the city during its budget period. Neither, may I suggest, can the Ombudsman, if he is carrying out his duty, see what types of investigation he may become involved in, and accordingly, it is very difficult, as I see it, for him to be able to forecast, unless there is some provision here by which, if he becomes involved in something which incurs large legal fees, there can be some accompanying protection for his office in the pursuit of his duties as set by this House.

My problem in rising to speak, as I am about this particular matter, is because I have been embarrassed by having been given information with reference to the action of the Board of Internal Economy in dealing with the supplementary estimates, and I have reacted to that information given to me.

As a member of the Ombudsman's committee, I was never advised that the Board of Internal Economy had issued an invitation to our committee to meet with that board to discuss the estimates of the Ombudsman. I would hope that whatever message may have gone back to the Board of Internal Economy, that the board will extend this invitation again if this bill goes through in this forum, and extend it formally so that the committee may be aware of the invitation and be able to reply correspondingly to it.

The other matter that disturbed me was that I was informed, that notwithstanding the fact that the Board of Internal Economy knew that our report dealing with the matter of the management consultants would be tabled within 48 hours, the board nevertheless undertook to deal with it. Mr. Speaker, I have since been advised that my information was not correct. To that extent, while I am speaking with some concern about the role of the Board of Internal Economy as a principle vis-à-vis the Ombudsman, I do want to express my embarrassment at having reacted to the information given to me as

I did, and to allay any possible suggestion that my concern results from the actions of the Board of Internal Economy.

[9:30]

It seems to me if the board did consult the Ombudsman's committee or seek to, the board in the light of the present system did all it could do in order to keep abreast of the concerns of that committee. In closing, I have to say I still would hope between us in this Legislature we could come up with a better system of review of the Ombudsman's budget. That there needs to be a review of the budget is undoubtedly quite valid. I am not quarreling with the review but I note here that this could be requested on a monthly basis.

I don't think the Ombudsman or anyone else, including UTDC or any other agency of government or of the Legislature, should be permitted to overrun. There is no question about that. But I have a very real concern that if it is reviewed on a monthly basis, it might very seriously restrict the real function of the Ombudsman and it can be perceived by the public at large that the government with its majority members on the committee can preclude the kinds of investigations which we all hoped would take place when the Ombudsman was appointed and, I may say, appointed with such a very overwhelming unanimity in this House.

It's unfortunate that some events have coloured the situation at this time. I am not prepared to say I would move an amendment because I honestly don't know what other method we can use to process this budget with the constitutional questions involved, other than as proposed. I suppose I simply must sound a note of concern. Equally and sadly I say to you, Mr. Speaker, I trust that any further invitations or correspondence from the Board of Internal Economy to the committee would go formally to the committee because we may not become aware of the invitation extended.

Referring to the debate on the supplementary estimates in committee, there is no doubt I will have to say I was confused by certain statements which were made by the chairman of the Ombudsman's committee with reference to material supplied to him by the Speaker and/or by the Ombudsman.

It was not clear. I assure you, Mr. Speaker, if it were not for your ruling earlier, I would use another term for what transpired at that meeting. If I used it, I would assure you I would not withdraw it. Therefore, rather than be named in this House, I shall

only say I was very much confused at the statements made at that committee hearing, and I trust in future we can have a better relationship between the board and the Ombudsman's committee as both of us try to grapple with this very vital part of our assembly business.

Mr. Makarchuk: I want to rise to talk about what happened a little while ago, and I want to set the record straight, as I see it, as to my involvement in the discussions that have been carried out regarding the increase in the members' salaries.

I want to put on record in this House the fact that the matter of an increase to the members' salaries was discussed when we were in the session last fall, and it was agreed on the part of all groups in the House—the government, the opposition and ourselves—that there would be another bill introduced at this time, after the AIB, to provide an increase in salaries for the members.

I want this on the record. There was not, as was imputed or stated by the member for Renfrew South (Mr. Yakabuski), any kind of lobbying on the part of the Leader of the Opposition (Mr. S. Smith) or the leader of the New Democratic Party.

Mr. Wildman: It was a despicable remark.

Mr. Makarchuk: It was a decision that was entered into last fall. The government House leader was there; the members of the Liberal Party and the members of the New Democratic Party were there, and that was the understanding; there was no question about that.

When that kind of statement is brought out, as it was in this case earlier tonight, naturally it annoys a lot of people; it has annoyed my colleagues. I was rather surprised that the government House leader did not rise and say this was a decision that was made last fall, that this was the way the legislation was going to be brought into the House, because of the AIB—

Hon. Mr. Welch: I can only speak once on the bill. I am waiting for everybody else to speak and I'll say it.

Mr. Makarchuk: Okay; I appreciate that. But perhaps you could pass a word on it.

Hon. Mr. Welch: But don't nail me before I speak.

Mr. Speaker: The hon. government House leader will be given an opportunity.

Hon. Mr. Welch: I know, but look what's happening to me. That's twice I have been told I should be saying something; and I can only speak once.

Mr. Speaker: I will recognize you and you can explain your position personally afterwards.

Hon. Mr. Welch: I'd like to be on the record.

Mr. Cureatz: He's out of order right now.

Mr. Makarchuk: The point I want to stress is that somewhere within this party we have, shall we say, that kind of an understanding, a discipline, a control—and I think it's the same with the Liberal Party—that we understood what was going to happen; we understood what the stances or the positions were going to be, and there were no arguments involved.

But when a member of the Conservative Party rises in the House and uses the kind of terms and states there was lobbying on the part of the Leader of the Opposition, and on the part of this party, to bring in an increase in the members' salaries, when it was prearranged, agreed on, then Mr. Speaker—

Mr. Kerrio: Exactly the way it happened.

Mr. Makarchuk: I didn't have any intention of speaking on this bill, but then it is very difficult for an individual who is party to the discussions to stay away and not come up and say that obviously the member is wrong. He was wrong in his statement and wrong in what he has said. I can understand the chagrin and the emotional upset, shall we say, that was experienced by my colleagues when they got up. They knew the story very well, the same as most members of this House; and I'm sure the member for Renfrew South knew what that was too.

When we deal with this kind of situation—it's a ticklish situation; it's a sensitive situation; it's a situation that sort of meets the public fancy, and it's a situation that the public hooks into and is concerned about—somehow I feel that perhaps in this House we would have an element of honesty when we deal with this situation.

But when we have the kind of speech that was given here earlier tonight, in my opinion that was hypocrisy of the lowest order. If the member for Renfrew South feels so strongly about his pay increase, then I would suggest he not only return his parliamentary assistant's salary of \$5,000, but he also return to the government—and I am sure the Treasurer (Mr. McKeough)—

Mr. Kerrio: For a worthy charity.

Mr. Makarchuk: —would be very happy to take the money; He can return the money that is paid to him. No member in this House, Mr. Speaker, is obligated to take the

money that is paid to him. If he doesn't like it, let him turn it back; the government can take it.

Mr. Wildman: They've got mortgage payments too.

Mr. Makarchuk: Right. They've got some mortgage payments to meet. They operate on a deficit, I gather.

I would like to just touch on one other point; that is, the matter of parity in payment to the House leaders and whips in the various parties. At this time there is a difference in the amounts that are paid to the people in the three political parties. I understand, from the discussions that were held between the leaders of the parties, that this matter will be considered and discussed in April. I want to put it on record at this time that we have been advised that this matter will be discussed in April. I personally think it is a matter that has to be sorted out, because I feel the duties carried out by the whips and leaders of the opposition party and the third party—meaning myself—are just as relevant and important as those of the whips and the leaders of the government party. Hopefully, that will be sorted out.

Mr. Reid: Mr. Speaker, before I deal with section 2 of the bill, I would like to address myself to some of the remarks made by the member for Renfrew South.

Mr. Sweeney: Where is he?

Mr. Reid: The member, as are all members in this House, is entitled to rise in his place and either support or not support a bill before the Legislative Assembly. But when he starts imputing motives of the kind that he imputed to the leader of the NDP and the leader of the Liberal Party, he does a disservice not only to himself but to all members of the House.

Mr. Wildman: To his party.

Mr. Reid: It probably underlines the terrible trauma that we as members of this House have to go through periodically—quite frankly, I sometimes think it is not periodic enough—about giving the members of this assembly a pay raise.

A couple of years ago we had the Hickling-Johnston report, for which we paid almost \$11,000; and I am on record as saying that was \$11,000 worth of taxpayers' money that could have been spent much better anywhere else. That report indicated members of this assembly were not paid as well as truck drivers, second-year lawyers, accountants with two years' experience and a host of other people.

I would like to draw to your attention

what members of the Metro council at the city hall in the city of Toronto, get as indemnity and in expenses in a year. It has bothered me—and I don't have the expenses or the upkeep of other members of this House—what members of the Legislative Assembly of the province of Ontario are paid.

To be quite honest with you, Mr. Speaker, the actual dollar amounts don't bother me as much as the relative position in which we find ourselves vis-à-vis the rest of the people in the economic system of the province of Ontario. That is a personal predilection. But there are members in this party, in the New Democratic Party and in the Conservative Party who are suffering financial hardship by running for election and coming to this Legislature to make a contribution to this House. As disgusted as I am with the comments from the member for Renfrew South, I would say he came here with the best intentions to serve the people of the province of Ontario as a member of this Legislature.

Mr. Wildman: Are you sure?

[9:45]

Mr. Reid: But I think it is high time we quit hiding under rocks, saying: "We are not really entitled to that kind of remuneration. We are not really worth it. We are all serving here at great personal sacrifice." That is fine for some of us who have our own personal fortunes, who are receiving extra indemnity as parliamentary assistants, as my friend from Renfrew South is, and for other people. But I find it somewhat offensive that a member would get up in this House and denigrate, on a very personal basis, other members of the House for their positions.

If the member for Renfrew South is opposed to the pay raise, which he obviously is, then the same option is open to him, as an hon. member of this chamber who believes in what he put before this House a few minutes ago, as was available to the former member for High Park; that is, to donate his pay raise, if he finds it does not suit him and he chooses not to take it, to some charity. I would be glad to suggest one or two.

He is entitled to his opinion. But he is not entitled to impute the kind of motives he did to the leader of the NDP and the Liberal leader, which were quite false. Having been here for 10 years, I have often wished the leader of this party was much more forward in getting raises for the members of the Legislature than he has been.

As a sidelight on the bill, Mr. Speaker, I was in the committee considering the esti-

mates of the Ministry of Northern Affairs today.

Mr. Wildman: That was an experience, wasn't it?

Mr. Reid: I asked—and it is not done any more; I realize I am old-fashioned, having been here for 10 years, as I am fond of saying, I have been here for 10 years, and it isn't done any more, but I thought for nostalgia's sake I would ask the minister about money: What was he doing with the money in his estimates? As usual, the minister was not prepared to answer, because nobody had ever asked him what he was going to do with the money. They will talk about great philosophies and ideologies and this project or that project and the riding, but never about what was going to be done with the money.

We learned a few interesting things. One is that a co-ordinator of six or eight or maybe a dozen Northern Affairs officers in northern Ontario—each of whom makes, incidentally, between \$14,000 and \$20,000 a year—is receiving a salary of some \$30,000. That is for co-ordinating the work of some six members. They don't have to go through an election. They don't have to give up their weekends. They don't have to serve seven days a week. They don't come here at 9 o'clock in the morning and quit at 10:30 p.m., and all the rest of it. The responsibility, it seems to me, is somewhat less than what a member of the Legislature has.

My friend from Renfrew South said, "Well, you knew what you were getting when you came here." I suppose that is some kind of argument. We usually know what we are getting into.

Mr. Roy: He didn't know; he got the jackpot. He became a parliamentary assistant.

Mr. Reid: But surely there is some rationale for indemnifying members on a reasonable basis, concurrent with their responsibilities and the time they put in.

I want to speak specifically to section 2 of the bill that deals with the Board of Internal Economy requiring, among others that have been mentioned, select committees, the Ombudsman, the Provincial Auditor and others to provide a running balance, a monthly balance, of what is involved in the agency, board or commission with which it is dealing. The member for St. George (Mrs. Campbell) has mentioned her concerns about this particular item. I'm not sure I share all of her concerns, because I think every body should be accountable when it is spending public funds. The member for

St. George agrees with that; our problem is whether or not the board of "eternal" economy is the appropriate agency to be doing this.

I have that problem as chairman of public accounts. I don't want to see the work of the Provincial Auditor restricted by the cabinet-controlled Board of Internal Economy saying, "You're going too far afield or you're looking into things we don't want you to look into. We're going to restrict your budget," so that we don't have the funds to carry out our function.

We have just passed the new Audit Act and we put a provision in there that the chairman and vice-chairman of public accounts will be invited to the Board of Internal Economy when those estimates are going through.

The Auditor's function must be even more independent to my mind than that of the Ombudsman. The chairman and vice-chairman are two people independent of the government because, as you know, Mr. Speaker, they are members of the opposition. Since they are there, if the estimates of the Auditor are cut, they can get up at the next meeting of the public accounts committee and say: "The estimates have been cut. They're restricting the function of the Auditor and we're bringing this to public attention."

I think some mechanism like that has to be worked out for the Ombudsman. As much as I do not like his gold-plated spending—you may have heard that phrase before, Mr. Speaker—I still believe there should be a requirement that the Ombudsman have the opportunity to come before a more public and open body and present his case, as happened to some extent with the select committee but only after the fact. His case should be debated before an open body with the press there and everybody else to make their own judgements.

Mr. Speaker, I owe you a personal apology because during the estimates of the Ombudsman before the general government committee—I've already apologized to Mr. Fleming—I took your name subsequently in vain in looking for a scoundrel, looking for an eminence gris, looking for the *bête noir* relative to the remarks that were made by the chairman of the select committee on the Ombudsman, the member for Hamilton Centre (Mr. Davison). I have before me the draft transcripts of those estimates. They have not, to my knowledge, been printed in Hansard and it is because of that I have not raised the matter before.

You have ruled out the word "mislead." We cannot accuse a member of misleading the House. My colleague from St. George, in her charity and mercy, has indicated in her remarks that the chairman of the select committee on the Ombudsman confused her. I have gone over the record of the debates in the general government committee in relation to the Ombudsman and I want to state to you, Mr. Speaker, without being thrown out, but in the strongest of terms that the member for Hamilton Centre, the chairman of the select committee on the Ombudsman, obscured, obfuscated, clouded, did not divulge information and led that committee down the garden path, having knowledge in his hands and in his possession, that led to a great many charges being made, for which I was somewhat responsible and for which I apologize to you and other members of the assembly.

The member for St. George has alluded to some of those. There was a great debate and a lot of time was wasted in that committee. The member for Hamilton Centre came before the committee on Tuesday evening, November 29; he read from a document, which he did not identify except to say that it had been written at the request of the Speaker and signed by Mr. Fleming, the administrator and secretary to the Board of Internal Economy. He then went off on a great long tirade from which I, as a member of that committee, believed the comments the member was making were a direct result of the letter Mr. Speaker had written to him, and which he indicated were the feelings and thoughts of the Speaker; that in fact the Speaker was upset with what the Board of Internal Economy had done and therefore wanted to bring these comments to the attention of the chairman of the select committee.

On numerous occasions—and I was going to quote them, but because of time I will not—he was asked to table the letter which he finally did without the supporting documents. He was asked where he got the letter, to which he did not reply. The committee subsequently learned, on motion by myself asking the Speaker why he wrote the letter; the Speaker's reply was in fact that the Board of Internal Economy had asked the chairman of the select committee on the Ombudsman to come to the Board of Internal Economy and perhaps—I'm not sure of the circumstance—bring the committee with him so that they, together, could discuss the estimates of the Ombudsman.

The member for Hamilton Centre, who

had all this information in his hands and in his control, said nothing about this. He allowed the committee to be led down the garden path, to go off on a tangent, to pass a motion which was somewhat critical of the Speaker, without informing either the general government committee, which was handling the estimates, or in fact the members of his own select committee, that he'd received this letter and that the Board of Internal Economy had asked to meet with him and the committee to discuss these estimates.

Mr. Speaker, you have ruled that I can't say he misled the committee. I guess he didn't, because he didn't tell the committee, the select committee on the Ombudsman; he didn't tell the general government committee that was dealing with this matter. Not at all. He allowed us to go on for four hours speculating, hurling accusations, when all the time he knew exactly what had transpired.

Mr. Speaker: Just a moment. This might all be very interesting and I am giving the hon. member for Rainy River a lot of latitude with regard to the principle of section 2 of this bill, but I must remind the hon. member that the amendment authorizes the Board of Internal Economy to require statements of current expenditures and forecasts of future expenditures on a monthly basis from offices, agencies, commissions and select committees whose estimates are subject to review by the board.

You can touch these in general terms, but I wish you wouldn't get into any specifics of things that have gone on in the past. It may be useful for each and every one of us to hear what has gone on before, but I wish the hon. members would restrict themselves to the specific sections and the principle of Bill 122.

Mr. Reid: I accept your admonition, Mr. Speaker, and I appreciate the latitude you've given me. I will just wind that up by saying that because of the actions of the member for Hamilton Centre, I think he should resign as chairman of the select committee on the Ombudsman.

I would repeat that while I have some reservations about section 2 of the bill, at the moment I see no other way. A way has to be found to deal with the estimates of the Ombudsman in a much more independent way than is envisaged in this bill. However, at the moment there isn't any other recourse. As someone who is concerned about the public purse, I find I must support the provision that the people who come

under section 2 of the bill be required to give a monthly statement. I think it's only right and proper that the Legislature should have some control over the expenditures of these bodies.

[10:00]

Mr. Baetz: Mr. Speaker, my remarks will be very brief. I will certainly support Bill 122, and I do so without apology or excuse to anyone either in this House or outside. I do so notwithstanding the critical comments that have been made here tonight and in the press.

As the member for Ottawa West, I am especially aware of the benefits provided to our federal counterparts, the members of Parliament. I am certainly very much aware of by how much they exceed the benefits we receive in this House. I therefore found it most offensive, objectionable and totally misleading that in some of the press editorials our benefits and emoluments were equated with those received by the members of Parliament in Ottawa. I do not know how we collectively could respond to some of the more critical and totally misleading editorials.

The real issue is not the sizes of the increases in our salaries, the levels of the salaries, or the benefits. Our salaries are not very high. When I resigned my position to come to this House, I had a salary that was twice the basic pay I am getting here. I know that other members in this House have taken substantial reductions in coming here.

Mr. Sargent: About three or four dozen.

Mr. Baetz: I am not complaining. The crucial question is how diligently we carry out the duties we undertook when we ran for office, and the quality as well as quantity of our work. When we sit in this House and listen to long, drawn-out debates, we know the quantity is extensive; at times I hope the quality will be equal.

The issue is not the size of the salaries or the benefits, but how well we do the work here. If we commit ourselves totally to our work, I feel the people of Ontario are getting a real bargain for their buck. It is for this reason, Mr. Speaker, that I would certainly support the bill, and with apologies towards no one.

Mr. Roy: Mr. Speaker, I certainly had no intention of speaking on this bill, and I will be very brief. The only reason I rise to make a few comments on the bill is because of the comments of the member for Renfrew South and the unfortunate incidents that followed the inflammatory remarks he made to

some of our colleagues, the leader of the NDP and the leader of the Liberal Party.

Like the member for Renfrew South, I am in the same fortunate position as are many of my colleagues; we are members of a profession which, if the increases here are not commensurate to allow us to survive economically and to give us the independence required to be true representatives of the people, allows some of us the independence to be able to cushion off these sacrifices through, say, the practice of law. I don't apologize for that; in fact, some of my colleagues on all sides of the House are able to do that. We're in a fortunate position. Many of the members here are not. This is why these increases are necessary.

But the member for Renfrew South is one of the fortunate ones who, through the good fortune of his family or otherwise, is able to have a business which allows him the extra income to be able to stand up in this House and imply, basically, the increases were not necessary and they were brought about because there was enthusiastic lobbying—I don't know what other word he used—on the part of the leader of the official opposition and the leader of the NDP. That is totally false and totally untrue; the salary increases are necessary.

When a member stands in this House and says the increases are not necessary, which he was saying, and that we're getting this thing through because there was enthusiastic lobbying, what he is saying is that we should look carefully at what he's done. If he feels these increases are not necessary—and, as he has said, we knew what we were going to get when we were elected here—what did he do about his good fortune when, totally to his surprise, he hit the jackpot? He really hit the jackpot. He was made a parliamentary assistant. Did he return it? Do I hear any of my colleagues saying he returned this money, this \$5,000 he gets? Did he return it to the public purse, to the general revenues of the province, to a charity or otherwise?

This same member, who is prepared to attack various members of the House when he calls them greedy to a certain extent because the members are getting an increase that he feels is not necessary, did he return the money he got as parliamentary assistant? To my knowledge, he has not. That very same member is the first one to try to use public funds for private gain.

Mr. Deputy Speaker: Order, please. I think the member is straying from the principle of the bill.

Mr. Roy: Mr. Speaker, if I'm wrong, I stand to be corrected, but I understand the member can be receiving some form of remuneration to pay off his condominium. Am I wrong?

Mr. Deputy Speaker: Order. I would remind the member that that is not contained in this bill, if he reads section 1 carefully.

Mr. Turner: The member should speak to the bill.

Mr. Roy: I certainly appreciate your ruling that you want us to observe the limits of the bill, and I'll be very brief; but surely when a member stands in this House—

Hon. Mr. Welch: You really want to rub his nose in it. Get it on the record. You'll feel better.

Mr. Roy: I'll tell you what he was trying to do; I think what so concerned the member was that it was brought to public attention that he was trying to do that, and he was embarrassed in his riding. He's trying to make up for it by saying he's going to stand in this House and vote against the bill. I find that total hypocrisy, coming from that member.

Hon. Mr. Welch: Show him what a big man you are.

Mr. Roy: My friend, the government House leader, says, "You like to rub his nose into it." You bet I do. Because I really think—

Hon. Mr. Welch: Yes, it is very typical of you. You'll feel better.

Mr. Roy: No, I won't necessarily feel better. I had no intention of participating in this bill.

Hon. Mr. Welch: You have never missed a chance to do that with anybody.

Mr. Roy: But I want to say to the government House leader that when he gets an opportunity to speak, I take it he will comment on his colleague's remarks and he will dissociate himself from his remarks.

Hon. Mr. Welch: I hope you teach your children respect.

Mr. Roy: I hope he will show the same kind of intestinal fortitude as the member for Ottawa West (Mr. Baetz), who makes apology to no one and says this increase is necessary for good reason.

Hon. Mr. Welch: He is a much bigger man than you will ever be.

Mr. Roy: I felt it was important to put on the record that a member cannot come into this House and start posturing and trying to take advantage of a situation when his own record—

Mr. Sterling: Who's posturing now?

Mr. Turner: What are you doing?

Mr. Roy: What am I doing? All I'm saying basically is that he shouldn't be allowed to get away with it. When a member is prepared to attack the leader of our party for something that did not happen, you bet your boots I'll not let him get away with it.

Hon. Mr. Welch: You tell him.

Mr. Roy: And neither would the government House leader. If I unfairly attacked his leader, the government House leader wouldn't allow this to happen. I wouldn't expect any less, and I am sure he wouldn't expect any less from us.

Mr. Riddell: Mr. Speaker, I would just like to rise on a point of privilege. In my annoyance with the remarks made by the member for Renfrew South (Mr. Yakabuski), I made some condemnation of the government House leader, for which I apologize. I realize I shouldn't have done it. I was annoyed. I was just hoping he might dissociate himself from the remarks that were made by the member for Renfrew South—

Mr. Roy: I am sure he will.

Mr. Riddell: —but I had no really good reason for blurring out about the government House Leader, and I apologize.

Mr. Ruston: Mr. Speaker, I am sure there has been enough said on this bill; but with regard to section 1, I have no qualms about standing here in my place in the Ontario Legislature, since we are the last resort as to who should vote the money for the expenditure of public funds. I did the same when I was on municipal council; if I felt my remuneration should be a certain amount I had no qualms about standing up and saying so. I'll do the same to my people in the riding; and I will vote for section 1 without any problems whatsoever.

I would rather dissociate myself completely from the remarks made by the member for Renfrew South. I will not even comment on them. I think that was uncalled for.

However I just want to say we always seem to have this problem with people who are elected and must set their own pay. I had the same problem when I was on municipal council. The interesting part of it, I say to the government House leader, is that when I went on to municipal council our pay was \$6 a meeting, and the reeve got \$100 a year extra. After two meetings I think the deputy reeve and I raised the salary to \$10 a meeting and insisted that

the reeve get an extra \$200, although I think he said \$100 was enough. That was a number of years ago, but I say honestly that I never worry about that. If I am doing the job and if I can walk up and accept the cheque and feel that I am doing the job for the people of Ontario, then I have no worry about taking it.

I don't know why people worry about this. I remember that the former member for Sarnia, Mr. Bullbrook, for whom an awful lot of people had great respect, always said we are the people who must vote, and we should never be ashamed to stand up; when you think what you are voting for is right, then you shouldn't worry about it; and that is the way I feel about it, Mr. Speaker.

As to section 2 of the bill, I spoke about this in committee. I suppose it has some problems constitutionally. I would hope that within the next year we might iron out how we can handle the estimates of the Provincial Auditor and the Ombudsman, and I would hope we would get that solved at that time.

Hon. Mr. Welch: Very quickly, may I just say one or two things in an evening which has certainly been one of very spirited discussion with respect to this bill; no doubt tomorrow there will be some reflection with respect to what has been said.

The government made a commitment. I was authorized on Thursday, July 7, 1977, to set out the whole question. In doing so I think this speaks to the concerns that have been expressed by a number of members of the House; and it is unfortunate there have been some excessive statements made with respect to the degree by which any member of this House has pursued the implementation of this legislation.

On Thursday, July 7—I think this says everything; and I very much appreciate the comments of the member for Huron-Middlesex (Mr. Riddell), because my understanding is that you can only speak once in a debate, and it is not my custom to interfere with the rights of people to express themselves, regardless of what I may feel personally about some of that expression—but on Thursday, July 7, I stood in my place here and said: "The position of the government is that in the year ending September 30, 1977, but pro-rated effectively only on September 15, 1977, an increase of \$2,400 be applied to all members' indemnities and allowances. This is about 7.5 per cent of the average compensation of the group."

[10:15]

"The September 15, 1977, effective date

is in line with the commitment by the Premier in September 1975 to avoid an increase in members' indemnities for two years. This increase now proposed would over a full year of effectiveness increase the indemnity by \$2,200 and increase benefits by about \$200 in the form of increased life insurance, medical insurance and contributions to the legislative assembly retirement allowance fund."

I think this is important in keeping with the spirit of the comments that have been made and the concern that has been expressed tonight. I also said at that time on behalf of the government: "It is also proposed that in the year commencing October 1, 1977, and ending September 30, 1978, there will be a further adjustment in accordance with the AIB rules." This bill fulfils that commitment made at that time.

I think that says everything in connection with what anyone may or may not have done, and this should be seen as simply the natural completion of the evolution of time. Several questions have been raised. The hon. member for Sudbury East (Mr. Martel)—

Mr. Conway: He is listening.

Hon. Mr. Welch: —wherever he is, I hope is listening.

An hon. member: On CB radio.

Mr. Foulds: He is only 25 feet away.

Hon. Mr. Welch: There were two questions which he raised and I simply want to repeat them as well. He was quite properly expressing some concern about the method of review subsequently. I go back to the statement which was made on July 7 to reiterate that as the commitment: "Provision will be made for a detailed independent review about adjustment of the members' indemnity and allowances on an annual basis, or as required, following the ending of the present wages and price guidelines." We intend to honour that as well.

Perhaps after we get back or early in the new year we will consider the form and how we might handle that, but certainly there is no question but that that still stands. The hon. member for Sudbury East also raised a very logical question as to how we got the breakdown of the \$2,400. Perhaps the simplest thing for me to do is to read the information I have in that regard. Hopefully, it fulfils his requirements there.

Members will be given a direct indemnity increase of \$2,042. A further amount of \$358 out of a total of \$2,400, which is the total amount, is viewed as the benefit portion of

the increase. Essentially the \$358 represents the extra benefit which a member receives in that the legislative assembly is paying a percentage share of various side benefits.

The legislative assembly is paying all costs connected with members' basic life insurance, which consists of 75 per cent of \$17,200 at present and will increase to \$19,242. The additional amount to be paid by the assembly represents a direct benefit to the member in lieu of cash. Likewise, the legislative assembly pays 85 per cent of all costs connected with long-term income protection, while the member pays only 15 per cent. The costs become higher as the indemnity increases and are again a direct benefit to the member in lieu of cash.

The legislative assembly pays six per cent of indemnity on behalf of each member into the legislative assembly retirement fund. This payment increases with the indemnity increase and is treated as a direct benefit to the member.

Finally, the 11 statutory holidays are treated as a benefit, as well as an average two weeks of holidays per member per annum.

Mr. Reid: When do we get it?

Hon. Mr. Welch: I almost hesitated to read that, to tell you the truth.

Mr. Reid: You should. We are getting cheated on that.

Hon. Mr. Welch: Therefore, these matters are put together and some value is attached to them, and is subtracted from the total which amounts to the breakdown there. I hope that information is helpful in response to the hon. member for Sudbury East.

In addition, I think the member for St. George (Mrs. Campbell) and others for commenting on section 2; however, I think there is some misunderstanding. The House will recall that about a year or two ago, the Legislative Assembly Act was amended to provide for the reference to the Board of Internal Economy of certain estimates—

Mr. Reid: By motion.

Hon. Mr. Welch: —by motion of this House, unanimously approved by the House—

Mr. Reid: No; the Liberals voted against it.

Hon. Mr. Welch: Oh, I see.

Mr. Reid: There is a difference.

Hon. Mr. Welch: Anyway, the House on majority vote referred certain matters to the Board of Internal Economy. All this new section does is to provide for the board an opportunity, a permissiveness, to ask for

information on a certain basis—that is, monthly—and some forecasts. It doesn't, as I read it, give any executive authority, so to speak, in itself; rather it says the board may require that those commissions et cetera, having some responsibility to report to them, might have to provide certain information on a monthly basis.

I would prefer not to get involved in a lot of the other issues that perhaps have been introduced, but rather to confine my remarks to the provision of that information, and perhaps to conclude by saying that I see what we're doing tonight with respect to this bill as simply fulfilling the understanding which this House had last July.

Motion agreed to.

Third reading also agreed to on motion.

LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES AMENDMENT ACT

(concluded)

Resumption of the adjourned debate on the motion for second reading of Bill 123, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.

Hon. Mr. Welch: Mr. Speaker, I made some error prior to 6 o'clock and called the wrong bill, so that this bill has now been put into the House for discussion on second reading. If there are any members who wish to discuss it, I'd be glad to respond.

Mr. Foulds: Mr. Speaker, I just wanted to say that my colleague the member for Sudbury East (Mr. Martel) did have some questions he wanted to raise. I'm not cognizant of those questions, so unfortunately we can't raise them this evening.

I think he would be in agreement with the principle of the bill, although he might have some quibbles with the differences between how pensions are arrived at for back-bench members and how they're arrived at for the cabinet.

Hon. Mr. Welch: Mr. Speaker, if I could have the indulgence of the House, following second reading I'd like to put the bill into committee very briefly, to look after something which was overlooked the last time this bill was reviewed; that is, to look after the widows who come under part I.

Mr. Reid: We want to amend that?

Motion agreed to.

Ordered for committee of the whole House.

LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES AMENDMENT ACT

House in committee on Bill 123, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.

On section 1:

Mr. Deputy Chairman: Hon. Mr. Welch moves that the bill be amended

"(a) by renumbering sections 1 to 5 as sections 2 to 6;

"(b) by adding thereto the following sections:

"(1) Subsection 1 of section 11 of the Legislative Assembly Retirement Allowances Act, 1973, being chapter 152, is amended by striking out "one-half" in the fifth line and inserting in lieu thereof "60 per cent."

(2) Subsection 2 of the said section 1 is amended by striking out "one-half" in the 13th and 17th lines and inserting in lieu thereof in each case "60 per cent."

"(c) by deleting section 5, formerly section 4, of the bill and substituting the following section therefor:

"5 (1) This Act, except sections 1 and 3, comes into force on the day it receives royal assent.

"(2) Section 1 shall be deemed to have come into force on the 12th day of July 1977.

"(3) Section 3 shall be deemed to have come into force on the first day of October 1977."

Mr. Reid: Mr. Chairman, I believe most members in this party will support the bill. We're very glad to see the government House leader has brought in the amendment dealing with widows' spouses. This is something we've been looking forward to, and we will certainly support the amendment as presented by the government House leader.

Mr. Makarchuk: Mr. Chairman, I just want to receive some reassurance from the government House leader that the same treatment applies for widows and widowers.

Hon. Mr. Welch: Yes, it does.

Mr. Makarchuk: Then we will certainly support the bill.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 to 6, inclusive, agreed to.

Bill 123, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendment.

THIRD READING

The following bill was given third reading on motion:

Bill 123, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.

THUNDER BAY
COURTHOUSE

Mr. Speaker: Under standing order 28, a motion for adjournment has been deemed to have been made. I will listen to the hon. member for Port Arthur for up to five minutes.

Mr. Foulds: Mr. Speaker, it's with a certain sense of anti-climax that I rise. I apologize to the Minister of Government Services (Mr. McCague) for not being here during question period when he apparently had an answer for me.

The Thunder Bay provincial courthouse has been one of the biggest mistakes made by that ministry. I cannot believe that the present minister is deliberately hiding the facts from the Legislature or from the public, but he must shake up his ministry. The extent of negligence has been so great that if the minister does not do so, there must be an independent inquiry either through the Attorney General, a select committee of the Legislature or the public accounts committee, because the taxpayers of Ontario have been paying for a building over which the Ministry of Government Services failed to exercise adequate supervision and control.

Thunder Bay has fifth-rate facilities and we're paying first-rate prices.
[10:30]

The building is a mere three years old. When I did a firsthand tour of the facility as late as Monday, December 5, the following conditions prevailed:

1. In the basement, which is used as a lockup, watermarks showed flooding consistently has taken place as high as four inches in the cells. The bottom part of the walls are mushy and eroding. You can wear them away with your fingernail. A plank walkway was down on the floor for the accused and the police officers, making the conducting of the prisoners from the lockup to the courtroom precarious and possibly dangerous. Every morning, I am told, the water is vacuumed up. Between three and five sump pumps are constantly on the go, and on that freezing day in December there was still one-half inch of water in one location in the basement. Cracks and heaves in the floor mean there are three different levels on that floor.

2. On the first floor, which houses the

family court, a half-inch-wide crack runs the entire length of the floor of the building, making a three-quarter-inch difference in levels on the two sides of that crack. A three-eighth-inch crack runs the entire height of one inside wall—not just along the mortar but through cement blocks as well.

3. Rain enters the third floor windows and roof, soaking the waiting room outside the criminal court.

4. One young lawyer I encountered there told me his first experience in the courthouse was watching an officer catch and kill a mouse in the building.

5. On the outside, small cracks appear in the bricks and mortar.

Mr. Wildman: How much did he get paid for that?

Mr. Foulds: I raised a number of important questions with the minister on November 15. On November 18 the minister replied, but not completely. He has not replied to my supplementary question since, and I found his taking as notice the other day unsatisfactory.

He gave the impression that the government was not paying rent by saying: "Currently, rental payments are being withheld and will continue to be withheld until the developer is prepared to correct the problem."

Yet the Thunder Bay Chronicle-Journal on November 14 reported that Royal Trust Limited was still being paid as the holder of the mortgage for the builder, the mysterious and elusive John H. McCormick of Burlington, who has disappeared. Why should Royal Trust be paid directly by the government when the subcontractors have been left without pay by McCormick?

Either the minister has not had the facts given to him by his officials or he is not relaying them to the Legislature.

The building has been built on an artesian well or stream. My information is that neither steel nor cement pilings were used for foundations. Instead, mere rock foundations were piled—

Mr. Speaker: Will hon. members please keep their private conversations down?

Mr. Foulds: Instead, mere rock foundations were piled down holes in the ground which had no casings. If this is so, the building cannot be repaired, because the foundation will be shifting constantly.

The minister must table all the studies and documents relating to this project. The engineering studies, including soil tests and thorough foundation studies, must be made public.

The minister must stop all payment for the building. Surely he has ample reason as McCormick and Group Building Systems Limited has never met the terms of the contract. The minister must look at the possibilities of securing other accommodation for court facilities in Thunder Bay.

It is better to cut losses now. About \$500,000 has been spent on rent, but it is better to cancel now than to spend \$5 million more than it would cost for the 30-year period of the lease and the minimum \$250,000 that it will cost in repairs, because the building will not be standing in 30 years' time when the province will own the building.

The taxpayers of Ontario deserve more than this fraud of a building. It is not a courthouse. It is a freak tourist attraction. Pisa has its leaning tower. We have a sinking courthouse. Perhaps there should be a sign placed outside by the Ministry of Government Services, reading: "Look on my works, ye mighty, and despair."

Mr. Speaker: The hon. minister for up to five minutes.

Hon. Mr. McCague: Mr. Speaker, I think the member mentioned the Port Arthur courthouse when he started off.

Mr. Foulds: No; sorry. Thunder Bay provincial courthouse in Fort William.

Hon. Mr. McCague: I was fully aware of the one he was discussing. There is no problem with that.

Mr. Speaker, it would be interesting to know about the notice the member gave yesterday about being dissatisfied with an answer that had already been given or with an answer that hadn't already been given. Had the hon. member been in the House today, I was going to answer his question just to see what would happen about tonight's session.

I know the hon. member is right in the interpretation he can put on the orders, but I think the intent is that a minister should be able to take a question as notice and give an answer a day or so hence, and not be in the situation in which he puts me. I was going to put him in another situation by answering the question for him to day as he put it yesterday and see what would happen.

Mr. Foulds: But the minister has had

almost a month for the supplementaries I asked on November 18.

Hon. Mr. McCague: I still don't have the answers to the supplementaries the hon. member asked.

Yesterday, the hon. member asked about the deduction in payments. I may be incorrect; when he mentioned the figures tonight, I did not have the opportunity quickly to look up what I said on November 18 or November 15. But if the hon. member will check, I think he will find that I said that \$4,500 a month was being withheld but also that \$9,286.15 per month is being paid to Royal Trust.

Royal Trust also is faced with solving some of the problems that were left behind by J. H. McCormick; so those payments aren't necessarily being thrown away but are going somewhat to cleaning up some of the problems that have come in the past. I and the people who are now in the ministry are the first to admit that it is a very undesirable building, and when the member mentions water in the basement and some cracks, he is absolutely right from what I am able to find out.

It is not true that we are going to fill the basement with concrete and put an annex on the back of it. We are awaiting the results of an engineering study to determine what we should do. My people tell me that there are cracks in the walls, but those were there in the early stages and haven't got worse during that time. That may be different from what the hon. member mentions.

He continues to mention a figure of \$250 000 to repair the building. I presume he is assuming that; I haven't seen any study that would indicate that. I guess it is a fair guesstimate that somebody made locally.

Mr. Foulds: It's just a rough guess by one of the local contractors.

Hon. Mr. McCague: As to the soil tests, I have not been able to locate any soil tests. I have asked for them a couple of times and have not been able to locate them. I will do that, and as soon as I have them I will convey those to the hon. member. As soon as I have a study of repairs I will convey those to him. If he asks me another question before I have those, I will take it as notice and he can call another late show; I rather like these.

The House adjourned at 10:37 p.m.

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No. 80

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Daily Edition

First Session, 31st Parliament

Thursday, December 15, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 15, 1977

The House met at 2 p.m.

Prayers.

CLIFFORD BROWN PETITION

Mr. Sargent: Mr. Speaker, on November 3, I presented to your chamber a petition of Mr. Clifford Brown shown in votes and proceedings of that day as sessional paper 119. Standing order 5 of the amended rules of the House states that: "The government shall refer all petitions to the House within 14 days." This order is not qualified in any way with provisions for interim answers or the right of government to refuse to answer. The petition should, therefore, have been responded to by November 17, which is the 14-day limit. As of now, it has not been responded to.

As the Speaker is aware, the petition dealt with Mr. Brown's right to testify before the Legislature, or one of its committees, on a matter of urgent public importance.

It goes on at length here. I want to say that the failure of the government to respond to this petition constitutes, I suggest, contempt of the Legislature. I ask the Speaker to direct the government to abide by the rules of this House and to respond as soon as possible.

Mr. Speaker: The hon. member does, in fact, have a point of privilege. It is not the responsibility of the Speaker to instruct the government to do anything. The very fact that the member has risen on his point of privilege does draw attention to the fact that the standing orders have not been complied with and I'm sure the government House leader will be responding to it.

NEWSPAPER ARTICLE

Mr. G. Taylor: Mr. Speaker, I also rise on a point of privilege. Appearing in this morning's Globe and Mail, albeit on the bottom half and not the top half, of the front page is what I considered a defamatory article about myself. Although the Premier (Mr. Davis) last night admonished us to parlay with the press as little as possible because they have the last writing, I notice the Globe and Mail—I know it has political

leanings, but it has leaned me far, far to the left on this occasion.

Mr. Cassidy: I never noticed it there.

Mr. Deans: I think we should rise on the point of privilege.

Mr. G. Taylor: I know it's just a slight error, and I do have many initials behind my name—indeed, the Attorney General (Mr. McMurtry) has graced me with QC in a most gracious January 1 letter that he gives out—

Mr. Roy: That is undeserved, of course.

Mr. G. Taylor: —but when they put NDP behind my name they have gone far too far.

Mr. Foulds: Mr. Speaker, I would agree they've gone too far.

Mr. Havrot: That is a real insult.

Mr. Deans: I think we have the point of privilege.

Mr. Lewis: You are lucky you made the front page of the Globe and Mail, don't knock it; some of us wait generations for that.

[Later:]

Mr. G. I. Miller: Mr. Speaker, I too would like to point out to the House, in regard to the article in the Globe and Mail this morning, that I will not be making the trip with the select committee to Europe in January.

Mr. Foulds: Anybody else cashing in their tickets?

Mr. Lewis: Can we have a roll-call of the virtuous, please?

Hon. Mr. Rhodes: Virtuous?

STATEMENTS BY THE MINISTRY

CNR BRAMPTON TERMINAL

Hon. Mr. Snow: Mr. Speaker, I am pleased to announce today that Canadian National Railways has decided to proceed with the construction of its new intermodal terminal in Brampton early in the new year. This project, estimated to cost approximately \$20 million, will in the first phase, beginning early in the new year, provide employment for about 400 people in the construction trades.

In addition, Canadian National estimates that the project will have a multiplier effect requiring more than 1,000 people to supply materials such as rail, concrete, asphalt, signals and other related services. The first stage of the project is expected to be in service early in 1979, providing initial employment for about 100 people. This will grow to 400 as the facility is expanded.

To me, Canadian National's decision to proceed at this time with this terminal is a positive reflection of confidence in the growth of Ontario and this country as a whole. As Minister of Transportation and Communications, I am also pleased with the Canadian National decision to proceed because the project represents another major addition to our overall transportation network. I am told by Canadian National that the decision to proceed at the Brampton site instead of in other locations will have significant fuel savings benefits because of the shorter distance vehicles will travel to reach the terminal. Canadian National estimates that the fuel savings could amount to as much as 200 million gallons a year when the plant is expanded to its maximum capacity.

Of special significance to the users of GO Transit is the fact that the new intermodal terminal at Brampton will partially facilitate the development of the Streetsville-Milton service by permitting some of the necessary modification in the Union Station area to accommodate this service. This will allow the maximum utilization of the new bi-level cars which are now progressively being received from the manufacturer.

Mr. Speaker, I believe the economic benefits of the project, both in the short and long term, speak for themselves; but equally important, I believe this announcement comes at a time when we all need to be reminded of our potential and success in the area of job creation.

CHILDREN'S SERVICES

Hon. Mr. Norton: Mr. Speaker, I'm very pleased to inform the members of the Legislature that the children's services division of my ministry has now completed its first major consultation paper for public discussion.

It is a green paper on the short-term legislative amendments, and I'm making copies of this available to all members of the House today. I'm also making copies available of a special edition of our children's services newsletter which outlines this paper in some detail. The newsletter will also be distributed to a mailing list of some 19,000 people across the province. This paper does not represent

a comprehensive redrafting of the legislation administered by the children's services division, that will come later. However, this first paper does include 128 recommendations for changes to seven Acts, as well as proposals regarding the rights of children in residential care facilities within our jurisdiction.

The seven statutes concerned are the Child Welfare Act, the Day Nurseries Act, the Children's Boarding Homes Act, the Children's Institutions Act, the Children's Mental Health Services Act, the Training Schools Act, and the Provincial Courts Act as it affects observation and detention homes.

The objectives of this green paper are two-fold. First, when my ministry assumed responsibility for children's services on July 1, 1977, I indicated that a gradual or developmental approach had been taken to the establishment of local children's services bodies. At the same time, I made a commitment to resolve program policy and legal issues which needed to be faced during the period before such bodies were in place.

The suggested legal reforms are consistent with the long-term objectives of the division and are an effort to deal with needs and issues relating to children identified during the early months of the division's existence.

Secondly, the changes are necessary to enable the division to implement the new approaches to standards of care and funding which we are developing. For example, we are proposing that the Children's Boarding Homes Act be altered to form the legal framework for a single comprehensive statute on residential services for children. It would provide the standards required for licensing purposes through subsequent regulations.

These proposals have been put together with the assistance of a 16-member task force on legislation and an advisory group of eight lawyers, both of which began this work shortly after the new division came into existence. In the area of child abuse we have been aided by a 16-member interministerial committee and a four-member task force on legislation, and we have also taken into account the recommendations of coroners' juries.

Most of the major recommendations deal with the Child Welfare Act. We intend to reduce uncertainty for the child in the care of the Children's Aid Society by providing parents with the right to ask for a review of their child's status every six months. This will provide for earlier decisions to return a child to his or her family, or to free the child for adoption. When adoption is contemplated, we are seeking to reduce uncertainty for adoptive parents earlier. When Crown wardship is in effect, we recommend a review of

each case and the possible return of the child to his or her parents if no permanent placement has been made after two years.

The issue of child abuse receives special attention in this consultation paper. We are proposing mandatory reporting by professionals, with new penalties for failure to report and increased penalties for convicted child abusers. We are suggesting reforms to make clear the right of judges in child protection hearings to allow evidence of prior abuse in the family. We are suggesting ways to allow Children's Aid Societies to gain access on the order of a judge to relevant files of other agencies. We suggest clarification of the power of judges to call independent witnesses. We propose new powers for family court judges to require diagnostic assessments of parents or children in protection hearings.

We are also identifying for public discussion three different options concerning the child abuse registry. These options range from measures to encourage local exchange of information to an expanded central child abuse registry, with protections for civil rights included.

Following a recommendation by my colleague, the Attorney General, we seek to provide for independent legal representation of children in protection hearings at the discretion of the family court judge.

We are proposing access for the media to the courtroom to report on the child protection process provided that no identifying information is published.

We propose that all placements for adoption should be made through licensed adoption agencies, including Children's Aid Societies, and we suggest that adoptions by step-parents or close relatives of the child should be exempt from this proposal.

Other proposals concern the speeding up of budget procedures for Children's Aid Societies, increased control over the placement of children in care by way of parental agreement rather than court order, and the use of non-ward agreements in exceptional cases involving 16- and 17-year olds are included. In addition, these proposals relate to the right of older children, those 12 years of age and over, to be involved in and to initiate court proceedings.

[2:15]

Recommendations affecting the Acts suggest the following: Increasing the maximum age of children in regular day care from 10 to 12 years; giving authority for the ministry to purchase in-home services for developmentally-handicapped children up to the age of 18; requiring the licensing, regulation and

inspection of agencies which provide private in-home day care; tightening controls over children's boarding homes by requiring licensing of facilities and operators providing care for three or more children not of the same family—at the present time, the law requires registration of premises where five or more children not of the same family receive care; transferring administrative authority over observation and detention homes from the provincial courts to this ministry, while clarifying the power of the family court judges to control the admission and discharge of juveniles from these homes; and requiring a judicial hearing before a ward is returned from a community placement to a training school.

There is also a section on children's rights. We suggest there are certain fundamental principles which should be formally recognized for the protection of all children in residential care facilities in Ontario.

These have to do with the following: A child's right to communicate with his or her parents; a child's right to follow religious beliefs; a child's right to receive medical treatment; the rights of parents, the child's lawyer, and in certain cases the child, to have access to the records of the child's residential care; clear restrictions on the use of dissociation or isolation; a ban on the use of corporal punishment, only minimal force would be permitted to restrain a child who is causing injury to himself or others; and access to a grievance procedure, including the right of a child to be informed of his or her rights.

I would like to emphasize that these proposals do not represent established government policy in the areas covered. Rather they are suggestions which the ministry is putting forward as a first step in the process of law reform which will ultimately produce one rational set of laws relating to services for children and families.

Much of the work currently being done in the division relates to the areas of standards, information systems, and program change—work which must precede and complement law reform on a broader scale if the goals of the reorganization are to be accomplished in full.

A number of papers will be released on these issues during the time we are consulting on the legislative proposals, and they will indicate how we hope to build upon the foundation established by the reforms suggested in this document.

We are hoping to receive extensive feedback from those who read and study these recommendations.

Comments, alternate approaches, and criticism will be invited as a means of ensuring that we have adequately considered all points of view, including practical implementation problems. Some of the proposals are undoubtedly controversial and it is hoped that the consultation process will identify these and provide an opportunity for extensive discussion of them. We hope to have the public consultation process completed in time to bring legislation forward during the next session of the Legislature for your scrutiny, and I hope approval.

Mr. Lewis: We will applaud you even if your colleagues don't.

LOCAL GOVERNMENT FINANCE

Hon. Mr. McKeough: I have today deposited with the Clerk of the Legislature a report, Local Government Finance in Ontario, 1975 and 1976. This is done in accordance with subsection 3 of section 223 of the Municipal Act.

Members may note that this report differs from the previous ones in that rather than just a tabulation of raw statistical data, it provides detailed analyses of local government finance. I believe this to be a significant improvement over past publications since it provides, by type of municipality and by geographic location, average taxation and spending figures against which individual municipalities may be compared.

One of the main conclusions to be drawn from the report is that while the increase in local government spending in 1975 was disappointingly high, it moderated considerably in 1976. I suggest that this had a lot to do with our efforts to convince local governments of the need for restraint.

This publication is part of the ministry's ongoing effort to update the reporting of local government financial affairs. With the introduction of the ministry's simplified financial information return for this year, it is expected that subsequent reports will be available within six months of the year-end. In accomplishing this, this Legislature, and all other interested bodies, will have a much timelier and more comprehensive view of our success in maintaining a financially sound local government sector.

You may note that the data contained in the report are summary data. The detailed information by municipality is available on request from the ministry.

ORAL QUESTIONS

TEACHERS' SUPERANNUATION FUND

Mr. S. Smith: I'd like to ask a question of the Treasurer, in the absence of the Minister of Education (Mr. Wells). I think the Treasurer could probably answer this. The Auditor's report appears to indicate that the province is now obliged to contribute an additional \$65 million, on top of \$144 million some odd, with respect to the unfunded liability of the Teachers' Superannuation Fund. That's not to mention the amount owing the fund to match teachers' contributions. That makes a grand total of \$209 million just for unfunded liability contributions.

Can the Treasurer tell us whether the government has in fact met this obligation referred to by those actuaries who've recently looked at the report? What proportion of the total amount of moneys voted in his estimates and in his supplementary estimates will be going toward amortizing the unfunded liability, and what proportion toward matching teachers' contributions?

Hon. Mr. McKeough: Mr. Speaker, I can't answer the latter part of the question. I'm sure the Minister of Education can, and I believe he'll be here a little later. But in respect to the first part of the question, yes, the obligations have been met. As a matter of fact, I think there has been implied criticism in the Auditor's report that we met them too early in the day.

Mr. S. Smith: By way of supplementary: Apart from the matter of the unfunded liability, is the Treasurer properly matching teachers' contributions in light of the actuary's opinion, reiterated by the Auditor, "that the combined teacher-province statutory contribution rate is now less than the minimum required contribution rate"? Is his ministry falling behind in this area?

Hon. Mr. McKeough: No, we are meeting the deficiency that was found in the fund by the actuary, that is entirely met by the government; which for some unknown reason, going back to 1970 the Premier told me this morning, is considered to be the employer in this case.

The question is are we matching what the teachers are doing: Good Lord; the teachers put in six per cent, we're now putting in something like 15 per cent.

Mr. S. Smith: Does that include the unfunded liability? Sorry, Mr. Speaker, that's a separate question.

Mr. Van Horne: Supplementary: On November 4, the Minister of Education was

questioned about the whole process of evaluation of the Teachers' Superannuation Fund. On that particular day—and I'm quoting from page 1528 of Hansard—I asked him about an annual evaluation rather than evaluation every three years. He said, "I don't know that any action is being taken to change it to an annual evaluation."

I understand that between that time and now the government has changed its mind and will, in fact, have an annual evaluation. Is that true?

Hon. Mr. McKeough: Mr. Speaker, I am not aware of such change in policy. The Minister of Government Services (Mr. McCague) says that this may be happening in the Public Service Superannuation Fund.

An actuarial valuation is a very expensive and time-consuming process. There may have been some change in policy that I'm not aware of. I don't know if there has been contemplation by Management Board to ask for valuations more frequently than once every two or three years, which is the burden I think we impose on the private sector.

Mr. Van Horne: Supplementary: During the supplementary estimates debate on Monday afternoon it was my understanding from the minister that in fact there was some change planned. Could the Treasurer report back to us on the change?

Hon. Mr. McKeough: The member had better ask the Minister of Education that question. The Teachers' Superannuation Fund reports to the House through him; if he's contemplating a change it's news to me; the member had better ask him the question.

Mr. Peterson: Doesn't the minister feel, in view of the tremendous jump in unfunded liabilities—from \$550-and-some-odd million in 1972 to \$1.4 billion—that, necessarily, we have to have an annual re-evaluation, an actuarial review so we can get some kind of a handle on these escalating unfunded liabilities for which the taxpayers of this province are going to have to come good at some time in the future?

Hon. Mr. McKeough: No, Mr. Speaker.

HYDRO TRANSFORMER FIRE

Mr. S. Smith: I will ask a question, Mr. Speaker, of the Solicitor General, who if I am not mistaken bears responsibility for the operation of fire departments, the Fire Marshal's office and so on. Is the Solicitor General aware of matters which transpired at the recent fire of the hydro transformer at 60 Adelaide Street East in Toronto, with the release of highly toxic PCBs into the air?

Can he tell the House, if he is familiar with this, what measures were taken to protect the firemen working at the site?

Further, although it is not his own responsibility, perhaps he could also report on what measures were taken to protect Hydro employees on that particular site? To his knowledge were any attempts made to collect the firemen's gear and clothing afterwards and to do medical examinations on those who may have been exposed to these highly toxic materials?

Hon. Mr. MacBeth: Mr. Speaker, I am aware there was a fire there, but only through newspaper reports. Ordinarily the matter of emissions of some sort or another would come under the Ministry of the Environment, but I will undertake to get the information the Leader of the Opposition has asked for.

Mr. S. Smith: I will be pleased to receive the answer from the Solicitor General. By way of supplementary, I wonder if, at the same time, he would be kind enough to table or send to me a copy of any manual of procedures that is in force with regard to the need to inform firefighting persons regarding possible chemical hazards or other types of hazards that exist at certain fire sites.

Surely he would agree with me that these courageous individuals at least ought to be told whether to wear their protective masks and other gear and be examined afterwards for signs of contamination? I would appreciate it if he would let us know what the manual requires and whether the procedures were in fact properly carried out with regard to this fire.

Hon. Mr. MacBeth: Mr. Speaker, I know that at the fire college and other places where firemen receive instructions, they are, of course, given training on all facets and all types of fires, certainly including chemical fires and other fires in which there are toxic substances involved. I assume it is set out in a manual of some sort, we will produce what we have.

Mr. Lewis: I would like to pursue this just a step further. Is the minister saying to the House that at no time in the six days that have now transpired has the Minister of the Environment (Mr. Kerr) or Ministry of the Environment brought to his attention, as the minister in charge of this situation, the enormous hazards—I don't want to put it too strongly but I think that is fair—the enormous hazards to which those firemen were subject; and that no one within his ministry has attempted to initiate a recall of those firemen and all of their possessions that were involved in that? There has been no contact at all between the ministries?

Hon. Mr. MacBeth: Mr. Speaker, I am not saying that at all. I don't know everything that goes on in the ministry; I assume that these things have been investigated by the Fire Marshal and that the proper procedures have been followed, but there has been no report coming to my desk.

Mr. Lewis: There has never been a spill like it.

Hon. Mr. MacBeth: At the same time I am sure the ministry is well aware.

Mr. B. Newman: May I ask the Solicitor General if he would suggest to the Minister of the Environment that as some transformers do not contain PCBs, all transformers containing PCBs be colour-coded so that in the future any fireman being confronted with this would know that he is being confronted with a special type of hazard?

Hon. Mr. MacBeth: It sound like a reasonable suggestion. It may be being done now, but if it is not we will take it under consideration.

[2:30]

Ms. Bryden: Mr. Speaker, I wonder if the Solicitor General, at the same time as he is inquiring of the Minister of the Environment about the warnings and what is being done for the firemen, could also inquire whether steps are being taken to discuss with office workers and passers-by as to whether there are any potential hazards from their clothing and that sort of thing. Also, could he find out for us, for tomorrow's House, what is the present swab count of PCBs at the site? What level has it got down to? It apparently got up to 10,000 parts per million, and 2,000 is the acceptable level.

Hon. Mr. MacBeth: Mr. Speaker, I imagine that first question is probably difficult to answer, that there probably is no trace on the people who may have gone by there; but the Minister of the Environment may have some information on that, we'll do our best to include this in the reply.

Mr. Lewis: I would like to pursue this subject with the Minister of Labour, if I may. Can I ask the Minister of Labour, is her occupational health branch involved, or does she intend it to be involved at all in the health implications of the PCB vaporizing on Friday last?

Hon. B. Stephenson: The long-term studies branch of the division of occupational health and safety is most definitely involved in examination and studies on the human health problems related to PCBs. The branch also functions as a consultative service for other services within other ministries; its role in this area would be in the area of taking tests and

measurements, and assessing those tests and measurements and reporting them.

Mr. Lewis: Let me ask the minister, was there any thought of placing the building involved in quarantine for a number of days so the workers there now, the regular employees, federal government officials and others who are in that building I gather, could have some sense of personal security, since obviously at no time through the piece was anyone warned of the danger?

Hon. B. Stephenson: It was my understanding that the Ministry of the Environment had been involved in the cleanup; and indeed the report is that it has been entirely cleaned at this point, but I shall check on the questions raised by the hon. member for Scarborough West and report.

Mr. G. I. Miller: Supplementary: Would the Minister of Labour consider the possibility of changing these transformers over to a non-toxic oil coolant so that the danger would not persist?

Hon. B. Stephenson: Mr. Speaker, this entire subject is a matter of discussion and consideration, as I said, by the long term studies branch of the occupational health and safety division. It is also a matter of some concern to the Advisory Council on Occupational Health and Safety. If, indeed, there is sufficient evidence that there is a major human health hazard in relation to PCBs at the levels at which most workers might, in fact, be exposed, then I am sure that both of those bodies will be making recommendations in that area.

I am also concerned that those engineers involved in the development of electrical transmission facilities and mechanisms should be aware of this, and hopefully will be looking at alternative substances to be used in such transformers.

Mr. Gaunt: Supplementary: I gather from the response to my friend from Scarborough West that the building certainly hasn't been placed under quarantine; does the minister know of any measures that have been taken in the interim to protect the Hydro employees or the firemen who were at the scene Friday morning last?

Hon. B. Stephenson: The measures that were taken, Mr. Speaker, I think were taken by the Ministry of the Environment; I would suggest that question might be referred to that minister.

Mr. Lewis: Could this question be redirected to the Minister of the Environment, now that he is here? I mean, I'm sure it was frustrating for the Leader of the Opposition as well.

Mr. Speaker: Is the hon. Minister of the Environment aware of the questions? Could he perhaps give an answer to them?

Hon. Mr. Kerr: No, I'm not, Your Honour—or Mr. Speaker, rather.

Hon. Mr. Davis: Before the member asks his supplementary, the Speaker is not on the QC list.

Mr. Lewis: I never even called him that as caucus mate. May I just say that in the original question, which apparently should have been—well I want to ask the Speaker for clarification, is this considered a second question or is this considered a redirection?

Mr. Breithaupt: Is that a question?

Mr. Speaker: I think it is in order to redirect.

Mr. Lewis: Thank you, Mr. Speaker. The questions that have come from this side of the House are to do with the dangers to which people were subject as a result of a transformer burning out on Friday last and the behaviour of this ministry between then and now, in relation to the firemen involved and the possible quarantining of the building to protect the workers. Can the Minister of the Environment deal with that?

Hon. Mr. Kerr: Mr. Speaker, in a situation like this, when our ministry is informed of the fire, which it was some few hours after it started, we immediately take over and take action to ensure the safety of the people involved, the workers or the firemen. Also, safety measures are generally taken to contain any loss of contaminated material or toxic contaminant such as PCBs.

The Fire Marshal, through information we provide to Hydro and to the Fire Marshal, either by way of literature or by way of direct contact, is aware of the steps that have to be taken when there is a fire of that kind involving contaminated material.

The Hydro people, of course, know what emergency steps should be taken with the type of equipment they have, such as transformers that may be affected by the fire. Of course, the firemen themselves have the necessary protective equipment for dealing with major fires of that kind with them at all times; so we would expect they would use that equipment in the event this type of material is part of or involved in the fire.

Mr. Lewis: I have one supplementary, Mr. Speaker. Can the minister explain how it was possible for his ministry to be so irresponsible as to be on the spot Friday and yet no specific information was passed to the firemen involved for five full days? Neither was information passed that the count had risen to

10,000 parts per million, which surely the minister recognizes is about the most acute hazard any person could be subjected to with a PCB spill. How does the minister account for his ministry's behaviour under those circumstances?

Hon. Mr. Kerr: Mr. Speaker, as I mentioned, the fire was at approximately 7 a.m.; our ministry was advised at around 1 p.m. that day. As soon as we arrived at the scene and found that PCBs were involved we advised all the employees and the firemen of what was involved and what precautions should be taken. That information was given on the scene.

Mr. Lewis: To whom?

Hon. Mr. Kerr: To the Hydro employees and to the firemen; that information was passed on immediately by our people from central region, who attended on the scene at about one to 1:30 p.m. that day.

As I say, this information is given long before an incident of this kind takes place. They have it in their handbooks and their regulations. Hydro employees, for example, know the type of equipment they are handling and what is contained in that equipment. They know what precautions should be taken in the event of fire. It is not a question of our ministry advising after the fact what steps should be taken.

Mr. Lewis: The firemen deny it.

Hon. Mr. Kerr: They should be aware of that information immediately they are aware of the type of fire they have.

Mr. Deans: There are no standards.

Mr. Speaker: Order, please. Just answer the original question and ignore the interjections.

Hon. Mr. Kerr: Mr. Speaker, there are steps and precautions that are given to firemen, either by way of handbook or otherwise, to be followed when handling material of this kind—

Mr. Deans: There are no province-wide standards.

Hon. Mr. Kerr: Why do they take respirators with them on major fires of this kind, for example?

Mr. Lewis: They weren't even asked for their clothing.

Hon. Mr. Kerr: They have protective clothing to handle incidents of this kind.

As far as the levels that the hon. member refers to—the 10,000 parts per million—this is only a guess, that is not accurate by any means.

Mr. Lewis: It could have been higher.

Hon. Mr. Kerr: It could have been lower too.

Mr. Lewis: That's true.

Hon. Mr. Kerr: The figure is around 6,000 to 10,000; and that was in soot.

Mr. McClellan: What is the safe figure?

Hon. Mr. Kerr: This is not a question of something being inhaled by the firemen, for example.

Mr. Foulds: Soot gets into the air and you breathe it.

Hon. Mr. Kerr: I would assume when they are pouring water on material that this is soot and would not be a danger to the extent, for example, of somebody being continuously exposed over a period of time to levels of that kind.

Mr. Lewis: It hits the skin and the clothes.

Mr. Mackenzie: Have you destroyed the clothing?

Mr. Foulds: If they rolled in the soot, would they—

Hon. Mr. Kerr: There's a lot of difference between one or two parts per million of constant, continuous exposure—

Mr. Lewis: Ten minutes is enough at levels of that kind.

Hon. Mr. Kerr: —and an active incident of that kind.

Mr. Lewis: You're taking this business far too lightly.

Mr. S. Smith: By way of supplementary, and this question may have been asked earlier to a different minister, so forgive me if it's repeated: Can the minister say whether or not the firemen's gear and clothing have now been called in for some form of examination, and at what point this happened if it has? Secondly, can he answer the question asked by my colleague from Huron-Bruce, which is has anything, basically, been done with regard to following up on these Hydro and fire-fighting employees, any form of medical testing and any decisions made on the form of protection that might possibly be used?

Hon. Mr. Kerr: Yes, Mr. Speaker, the firemen who were involved in fighting that fire, as well as the Hydro employees who were on the site that particular day, will be examined. Secondly, we are stepping up again what we thought was an efficient liaison with the Fire Marshal and of course with Hydro itself, regarding the steps that should be taken when there is a fire of that kind involving transformers containing PCBs. Hydro knows full well the steps that have to be taken and the information that should be given to the firemen when they arrive on the scene.

Mr. Foulds: What are you doing with their clothes?

Ms. Gigantes: Is it their fault?

Hon. Mr. Kerr: The firemen, through their instructions, should know what action they take at a fire, or during a fire of that kind involving that material.

CHILD ABUSE

Mr. Lewis: A question of the Minister of Community and Social Services; first commending him on his statement and on the green paper, and hoping that it proceeds quickly to legislative implementation. May I ask the minister, in the process of this discussion, is it not now time for him to initiate within the child abuse amendments an inquiry among the various Children's Aid Societies into the basis on which the professionals in the societies render their judgements when returning a child to a family with a clear history of child abuse?

Hon. Mr. Norton: Mr. Speaker, obviously the whole area of the exercise of judgement in cases like that is a matter of great concern to us, especially in view of the absolutely tragic incidents that have occurred in a couple of cases quite recently. Pursuant to the most recent incident in Sarnia, we have begun a follow-up investigation into what had transpired leading up to that decision with that particular society. The officials of my ministry will be communicating with the Children's Aid Societies across this province seeking similar information, and directing their attention to this issue in each case where societies are faced with that kind of decision.

I might add that the Association of Children's Aid Societies will be asked to participate in this as well.

Mr. McClellan: May I ask the minister, in view of the three child abuse deaths which have been before us this year, would he not agree that within his legislative proposals should be a proposal that would require apprehension of infants when there is evidence of physical child abuse?

Hon. Mr. Norton: I believe that in most cases, if not all, where that is perceived to be occurring, that is the initial response today. In fact, in the two recent cases with which we are familiar, where the subsequent decision to return the child to the family resulted in tragedy, the child had already been apprehended at an earlier point. I think the very difficult issue involved here is the question of the exercise of that judgement. I think that to try to control it too rigidly in the sense of saying, "You should not under those

circumstances ever return a child to the family"—

Mr. Lewis: That's right, that's what the minister should say.

Hon. Mr. Norton: With great respect, there are in the course of a year in this province some 10,000 children taken into care by the Children's Aid Societies, for a variety of reasons.

[2:45]

Mr. Lewis: But when the child is assaulted at seven months, you don't return the child; when the child's arm is broken at seven months, you don't return the child.

Hon. Mr. Norton: In some cases, in fact in many cases, it is perceived that with some professional help the family can be assisted to adapt to their responsibilities—

Mr. Lewis: Who protects the child? There's a lovely professional entente between the worker and the parent, but who protects the child?

Hon. Mr. Norton: —and alter their treatment of the child. In many cases there has been a successful return.

Mr. Lewis: Show us.

Hon. Mr. Norton: I think the problem is not so easily resolved as to say never, if a child is abused, can we ever consider returning that child to the care of the family.

Mr. Lewis: Not if there is that kind of gross abuse.

Hon. Mr. Norton: But I can assure the member the whole question is one of great concern to me. I don't know that there is any simplistic solution, but I would point out that part of it, I think, lies in a better education and a better awareness on the part of the persons who are working within societies and agencies across the province outside of the Children's Aid Societies, to recognize and to know how to respond to incidents of child abuse. We are also working, and have been making a very real effort in that direction as well. In fact, we have in excess of 40 planning committees or treatment teams to deal with child abuse in this province, in a program which involves Children's Aid Societies. In the past there has probably been too little knowledge and too little effort to provide the kind of treatment and education, and create the kind of awareness that is necessary.

Mrs. Campbell: In the material provided today and in his statement, the minister indicates that the legislation is prepared in draft form and apparently would be too important, or too much beyond the heads of members of this Assembly to have it tabled;

would the minister reconsider and table that draft legislation in this House?

Hon. Mr. Norton: I'm not aware where the hon. member got the implication that it was thought to be above the heads of the hon. members of the Legislature. I certainly have no hesitation whatsoever in making it available to the members should they wish to have copies of it to review.

It is in proposed draft form for consideration by persons who are interested in looking at that aspect of it.

Mr. S. Smith: We have some interest.

Hon. Mr. Norton: The reason it was not included in the general package which is being circulated was that I presumed the discussion would centre mainly on the principles and issues involved, but certainly the copies of the draft can be made available.

Mr. McClellan: Mr. Speaker, returning to the subject of child abuse: Given that in the cases of Kim Pope and Vicky Ellis we had social agencies experimenting with treatment of disturbed families in a child abuse situation which led to tragedies—experimenting where they were clearly incompetent—

Mr. Speaker: Question.

Mr. McClellan: —what measures does the minister intend to introduce to deal with the irresponsible and incompetent experimentation on the part of social agencies that's taking place in this province?

Hon. Mr. Norton: Mr. Speaker, when the hon. member has an opportunity to review the material circulated today he will see among the recommendations with respect to the court's role in this, that where it is contemplated that a child be returned to the care of a family where there is supervision from a society, that the criteria for that supervision be clearly spelled out; requiring, for example, such things, I would expect, as regular medical examinations on a weekly or bi-weekly basis; and that the terms under which the worker would operate when visiting the family would be spelled out as well.

There has been a reluctance up to this point to spell out those terms of supervision; I think that, in itself, will be an important step to ensuring a higher standard, perhaps, of supervision in those cases.

LCBO CUTBACKS

Hon. Mr. Grossman: Mr. Speaker, on Tuesday, in response to a question from the member for Quinte (Mr. O'Neil), I said I would have details concerning reduced store

hours in retail liquor outlets and their effect on employees.

Store hours and consumer usage of outlets have been thoroughly reviewed by the Liquor Control Board with an eye to possible savings. The result is a decision by the board to reduce store hours on a weekly basis where sales do not warrant extended hours. This will start January 3, 1978. It will be accomplished in the following way:

One, five stores will revert to a single-shift operation and extend hours either Thursday or Friday nights. This means that instead of operating from 10 a.m. to 10 p.m., which involves a double shift, the stores will now close at 6 p.m. most evenings.

Two, 89 stores will eliminate extended hours on either Thursday or Friday nights; 23 of these stores will also be closed one day each week.

Three, 74 stores will institute a weekly closing day. In smaller communities where there has been a traditional closing day during the week for other businesses, the liquor outlet affected will now be closed that day; otherwise the decision will be based on which day the store has experienced the lowest sales.

This action will not involve closing any stores at this time.

However, in answer now to Tuesday's question from the member for Victoria-Haliburton (Mr. Eakins) in April of next year the Woodville outlet will be closed due to the steady decline in sales. This involves one permanent employee who will be relocated; special provisions will be made for the one part-time employee.

Reducing the hours in these 166 stores will result in a minimum saving of \$500,000. Further savings will be realized in utilities and security costs. This money will be returned to the consolidated revenue fund.

No employees of liquor outlets, whether permanent, part-time or temporary, will be laid off. The decision reduces the amount of overtime worked by permanent staff by 0.4 per cent. It will reduce hours worked by about 515 temporary and part-time staff by three per cent.

Copies of the memorandum from LCBO containing the list of stores which will be affected are available on request, and I am now providing these details to the opposition critics and the member for Quinte. I will send them over now.

Mr. O'Neil: Mr. Speaker, concerning this same problem, first of all did I understand the minister to say there would be no layoffs whatsoever? I would also like to ask him:

Did the cost-efficiency study undertaken by the Liquor Control Board take into account the hardships to be suffered by individual employees whom we understand were to be laid off; in many cases women in smaller communities with few other employment opportunities who might be forced to accept unemployment or welfare benefits, thus adding cost to the public?

Hon. Mr. Grossman: As I understand the situation, the change in hours results in fewer hours being required from temporary and part-time employees. That means, of course, that some of them will look elsewhere for employment. Those who don't will still be available, but there will be a reduced number of part-time hours that will be filled by part-time staff.

Mr. O'Neil: Mr. Speaker, a further supplementary: In view of the fact that salaries and employee benefits represented only 8.17 per cent of the value of sales for the Liquor Control Board for the fiscal year ending March 31, 1977, could the minister not consider means of reducing costs other than by increasing unemployment, particularly at a time when we are trying to find ways to encourage private industries suffering losses not to lay off workers?

Hon. Mr. Grossman: If the member suggests that we should not look at reducing hours and reducing the number of employee hours in the stores as an alternative to saving money, then I think he should state that position clearly.

Mr. Kerrio: He just asked if there is any other way.

Mr. Haggerty: No profit in that.

Hon. Mr. Grossman: We, on the other hand, are taking the position—or at least the Liquor Control Board is—that it should reduce costs wherever possible without substantially decreasing the service it provides to the public. I think that's a fair and sensible way of operating.

Now really, there's some \$400 million profit taken by the LCBO. If the members want to suggest we use more of that \$400 million profit to create employment in the stores, then I can assure them we can have a lot more people working a lot more part-time hours and temporary employees in those stores to an unlimited number because there is that amount of profit coming out of them. However, I think that we owe it to the taxpayers of the province, who pay for all the other programs we talk about, to make sure that a reasonably efficient operation is being carried on at the LCBO stores. Whether they

are LCBO stores or any other part of my ministry or government, it seems to me we should be running good and efficient operations, not make-work projects.

Mr. Eakins: Supplementary: As a matter of clarification was the store to be closed in Woodville still showing a profit or was it operating in the red?

Hon. Mr. Grossman: I am told the situation with respect to Woodville is that a store has recently been opened in Cannington.

Mr. Conway: What has the minister got against Woodville anyway?

Hon. Mr. Grossman: The Cannington store—

Mr. Conway: Anything to keep the Minister of Agriculture and Food elected.

Hon. W. Newman: Nonsense; that was built long before I was elected.

Mr. Speaker: You are wasting time.

Hon. Mr. Grossman: The Cannington store is in an area which I am informed has a heavier flow of consumer traffic, on major arteries, making it a better centre for the location of a store. That is something, I might add, I don't think the member expressed any objection to at that particular time. It is a larger store, a permanent store with a bigger selection of stock. It has been in operation for two years.

It all fits in with shopping patterns of both communities affected. I am informed there has been a decrease in the amount of business the Woodville store is currently getting because most Woodville residents are going to the larger centre of Cannington for their purchasing.

I can understand the member would prefer us to keep an inefficient trailer operation open in Woodville; but if we are going to extend that argument, I can assure him his colleagues on that side and my colleagues on this side can suggest to us an infinite number of small municipalities that don't currently have trailer-type operations with one employee in them where we could locate more and more operations, make liquor more accessible and hire more employees. That is a policy decision which I am not prepared to recommend to the LCBO.

ELLIOT LAKE RADIATION HAZARD

Mr. Bolan: I have a question of the Minister of Housing. What has been the involvement of the Ministry of Housing in the programming and the development of some 450 housing units in Elliot Lake, some of which were allegedly built on a radioactive ore body? Was there a formal environmental

assessment done on these lots before the homes were built; is there not a radon gas danger to the occupants of these homes which have been built?

Hon. Mr. Rhodes: The ministry has been involved considerably in that particular problem as it relates to applications that have been made to the ministry for subdivision approval. I have stated publicly I would not approve any further subdivisions in the Elliot Lake area until such time as I have been completely satisfied the buildings could be built on them and they could be occupied safely.

The buildings to which I think the hon. member is referring are those that were built on subdivisions that had been approved prior to anyone being aware of the problem with radon gas. My ministry has absolutely no control over preventing development on lots that have been approved for subdivision and development.

I am not capable, within my ministry, of determining what the effects of radon gas are, we do not have that expertise. We are depending upon the Atomic Energy Control Board which has experts in the area. They have stated what they consider to be safe levels. Until such time as I can be assured those safe levels are reachable and can be maintained, I will not approve any further subdivisions.

Mr. Bolan: Supplementary: Is the minister aware of how many provincially-financed houses are presently sitting idle in Elliot Lake because there is a prohibition on their occupancy due to a radiation hazard?

Hon. Mr. Rhodes: I am not aware as to exactly how many. I do know there are some that are not allowed to be occupied because of the possibility of radiation. I think that is a wise move. I recognize it is not desirable in that community. I have had very many people contact me and correspond with me urging me to approve a move into these homes. I am not prepared to do that because I don't think I can tell those individuals it is in fact safe to live in those buildings.

Mr. Wildman: Supplementary: Could the minister indicate to us when he expects a final determination of the environmental hearings into townsite 2A; and if that decision is adverse what plans has his ministry to provide housing in Blind River for workers in the Elliot Lake mines?

[3:00]

Hon. Mr. Rhodes: Mr. Speaker, as far as when the particular hearing will be com-

pleted, I can't say. We have, as I think the hon. member knows, requested the board to hold a hearing early, and I understand that may be in January. At that time we feel we can supply some information from our ministry, and from other agencies more competent in dealing with radon and radiation, as to what can be done to reach the safe levels and what type of construction would be permitted in those particular areas.

As to any possible relocation or construction in other areas, at the very first hearing that was held by the board my ministry was requested by the board to do an area survey as to where alternate housing could be built. We have completed that survey. We have looked at the Blind River area. The one thing that gives me concern, though, is that I don't think anyone has really tested that area to see whether there's a radon gas problem there. So I'm waiting for that information as well.

INTERNATIONAL HARVESTER LAYOFFS

Mr. Mackenzie: A question of the Minister of Labour: Would the minister inform the House as to what steps, if any, she is taking to try to protect the jobs of the 475 workers at the International Harvester plant in Hamilton; has she any substantive measures to try to protect the jobs of these workers?

Hon. B. Stephenson: Mr. Speaker, the employment adjustment service of my ministry has already been in contact with both the employer and the union group at that plant. Both of those groups have signified their willingness to hold discussions in order to attempt to resolve some of the problems. It is my assessment that with that degree of co-operation we will probably be able to be of some assistance to these people.

Mr. Mackenzie: Supplementary: Would the minister obtain for the House information as to the number of hours of overtime that have been worked this year and the number of employees in that plant who have been working overtime right up until the last week? Would she also obtain for this House information on the products that are produced at this plant in Hamilton that are also produced at the United States plants, particularly the Chicago plant; and which, if any, of these products may be brought into the country or imported due to cutbacks at the Hamilton plant?

Hon. B. Stephenson: Yes, Mr. Speaker, I'll try to get that information for this House.

NUCLEAR PLANTS

Mr. Yakabuski: I have a question of the Minister of Energy. In view of the fact I have on a number of occasions brought to the minister's attention and inquired about the establishment of nuclear generating plants in the Ottawa valley, can the minister tell the House what action he is planning on the resolutions by the county of Renfrew and the corporation of Deep River, inviting Ontario Hydro to build a nuclear or other type of generating plant in their community? Could the minister further tell the House if he will meet with the committee from the Fitzroy Harbour area of Carleton county about the expansion of the Chats Falls generating plant on land which Ontario Hydro already owns, and which proposal I understand is already under active consideration by Hydro?

Mr. S. Smith: The minister should make him parliamentary assistant.

Mr. Nixon: So he can give the money back.

Mr. Deans: If the minister wants my advice, don't.

Hon. J. A. Taylor: Yes, I'm aware of those representations that have been made. As a matter of fact, the Liberal member for Renfrew North (Mr. Conway) has also contacted me in connection with the resolution from the community of Deep River requesting that a nuclear plant be established in that area, and supporting, of course, that position. I may say that I would be happy to meet with delegations from those communities, in conjunction with Hydro, in regard to their concerns to ensure that consideration is given to the location of a plant in those areas.

As a matter of fact, I believe that Hydro is currently meeting with the people from the Fitzroy Harbour-Chats Falls area.

Mr. Yakabuski: Supplementary: Can the minister estimate how many jobs a nuclear generating station would create in a community such as Fitzroy Harbour or Deep River?

Hon. J. A. Taylor: Mr. Speaker, I gather there was some concern over jobs in that part of eastern Ontario. The county of Renfrew has sent me a lengthy brief outlining the economic conditions in that area and the need for employment. I read in the paper the other day that Sudbury, which is represented by the NDP—

Mr. Cassidy: You gathered that.

Mr. Nixon: They needed a new member or something?

Mr. Roy: Don't worry, Jim, we will take care of him next election.

Hon. J. A. Taylor: —has made representation to the federal government and Atomic Energy Canada Limited to locate a management waste centre, a refining facility, in the Sudbury region.

Mr. Speaker: That wasn't part of the question.

Hon. J. A. Taylor: Mr. Speaker, I was about to address the specific question. I can't identify, precisely, the number of jobs that would be generated. All I can do is indicate that if you look at the number of jobs expected in connection with the Darlington station, the estimate is something like 3,700 construction jobs which would involve probably \$750 million in direct payment and in salaries.

Mr. Speaker: The question has been answered.

CONFIDENTIALITY OF RECORDS

Mr. B. Newman: Mr. Speaker, I have a question of the Minister of Transportation and Communications. In view of the ever increasing concern over the confidentiality of personal information contained in the files of the motor vehicle registrations in your ministry, will the minister consider abandoning the practice of selling lists of motor vehicle registrations to individuals and companies?

Hon. Mr. Snow: Mr. Speaker, I am somewhat at a loss to know just what the hon. member is referring to.

Mr. Roy: The question was simple; you should quit selling the list.

Hon. Mr. Snow: We do not sell lists of motor vehicle registrations to anyone, and we haven't for some period of time.

Mr. S. Smith: You give them away?

Hon. Mr. Snow: We don't give them away either.

Mr. Sargent: Do you rent? Some firm has to deal with you.

[Later:]

Hon. Mr. Snow: Mr. Speaker, I may have inadvertently misled the hon. member for Windsor-Walkerville a few moments ago.

Some hon. members: Oh, oh.

Hon. Mr. Snow: No. I stated emphatically, and I say again, that we do not give or sell or lend lists of motor vehicle registrations that contain owner information. We do make available—by way of a contract, for which we are paid by R. L. Polk Limited—the registrations as to vehicle manufacture and the type of information that is used for

sales records and for production planning by the automotive industry.

Mr. Reid: And sucker lists.

Mr. Sargent: It is a monopoly deal.

Mr. Haggerty: It may not be legal.

Hon. Mr. Snow: Mr. Speaker, I object to those statements. We do not give names. We have it in our contract with R. L. Polk, because I signed the contract myself about two years ago—

Mr. Sargent: How much money?

Hon. Mr. Snow: —that they cannot use this information for any other purpose than for the planning of the automotive industry. I say again: They do not get the names—only the vehicle data.

Mr. B. Newman: Supplementary: In the hearings in Windsor of the Ontario commission on the freedom of information and individual privacy, on November 29, a Mrs. Proulx made mention that information was provided concerning her unlisted phone number and she received 25 calls from insurance agencies as a result of the information provided.

Mr. Foulds: You'd better check that.

Hon. Mr. Snow: I don't know what information the hon. member is referring to, but I would have to say—

Mr. B. Newman: It even gave her unlisted phone number.

Hon. B. Stephenson: It's not on the licence plate.

Hon. Mr. Rhodes: It's not on the licence. You can look at your licence. There are no phone numbers on it.

Hon. Mr. Bernier: It must have been in a black book.

Hon. Mr. Snow: I would have to say, Mr. Speaker, that the computer print-out information that is made available, and has been made available by my ministry for the past two years—

Mr. Lewis: Only listed numbers.

Hon. Mr. Snow: —has not included any of that type of information.

ALGOMA UNIVERSITY COLLEGE

Mr. Bounsall: A question of the Minister of Colleges and Universities, Mr. Speaker: Would the minister assure the House that he does not agree with the royal commission of inquiry report that the undergraduate program of Algoma University College should be terminated, with all the ramifications that has for the jobs of the faculty, for the students who are part way through their programs and

for the part-time use the entire community makes of the facilities of that college?

Hon. Mr. Parrott: Mr. Speaker, at this time I would like to say to the hon. member we are only recently in receipt of that report. We met with the board of trustees on Tuesday of this week, and I think it would be premature for me to make a further statement at this time. We recognize that the board is the board of management of the institution and we recognize that we are the funders of that institution. As soon as the board has had sufficient time to consider that report we will be prepared to meet the board to make some joint decisions.

Mr. Wildman: Supplementary: Could the minister indicate what he intends to do, when he is discussing with the board of trustees, to try to alleviate the problem of Canadian students who are being subsidized at Lake Superior State College, which makes it very difficult for Algoma to compete for student enrolment?

Mr. Warner: They offer cut rates. Do something about it.

Hon. Mr. Parrott: I am aware that the fees charged to foreign students in the United States vary tremendously. I think it would not be appropriate to single out one institution. We can talk in terms of almost zero tuition fees at certain institutions in the United States. We can point to other institutions where their fees are as high as \$5,000 or \$6,000.

I am aware of the situation as it occurs at Lake Superior. I am sure the member opposite is aware that is a policy they establish and there is little I can do about their policy.

Mr. Sweeney: Supplementary: What is the minister's personal opinion on the recommendation which says we should depend upon an American institution to educate our students? What is his philosophical position on that?

Hon. Mr. Parrott: I think that is quite another matter. It isn't quite a supplementary to the other question.

An hon. member: That's what they suggest.

Hon. Mr. Parrott: I am quite prepared to say to this House on behalf of the government that there is absolutely no need for any student in Ontario to seek an opportunity for educational experiences outside this province.

Mr. Sweeney: Then tell us you'll keep the Algoma University College going.

MINISTERIAL RESPONSIBILITY

Mr. Baetz: Mr. Speaker, I have a question of the Premier. In light of the Canadian

Prime Minister's recent ruminations in which he suggested that his Solicitor General has less than complete ministerial responsibility for the actions of the police under his authority, does the Premier feel his Solicitor General (Mr. MacBeth) has equally limited responsibility for the police under his jurisdiction?

Mr. Foulds: That's obvious.

Mr. Conway: Has the member for Ottawa West (Mr. Baetz) read the Solicitor General's white paper?

Mr. Baetz: Or does the Premier continue to subscribe to the more traditional view in our parliamentary system that ministers have full responsibility and that indeed the buck does stop with the minister?

Mr. Lewis: That is a very pressing question.

An hon. member: The member is not going to get into the cabinet doing that.

Mr. Baetz: That was a Liberal Prime Minister.

Mr. S. Smith: What an abuse of a question period.

Hon. Mr. Rhodes: It wasn't written by Greer, anyway.

Hon. Mr. Davis: Mr. Speaker, I want to assure the House that I didn't have previous notice; as a result, I am taking a few seconds to reflect on just how I might answer this without appearing to be at all partisan in my response.

Mr. Conway: That's a first on both counts.

Mr. Sargent: The Premier looked good on the Flora show last night.

Hon. Mr. Davis: Where was that?

Mr. Conway: We liked that whisper; you know, that little whisper—

Mr. Speaker: Can we have an answer to the question, please?

Hon. Mr. Davis: Mr. Speaker, I was being asked about a whisper that—oh, the member saw the film last night.

Mr. Speaker: I didn't recognize that question.

Hon. Mr. Davis: I didn't understand it either.

Mr. Lewis: A splendid film.

Hon. Mr. Davis: I would say to the hon. member that this government has always operated on the basis of ministerial responsibility being part of the parliamentary system.

Mr. Reid: Not competence.

Hon. Mr. Davis: All of them discharge this responsibility, including our Solicitor General, in whom I have great confidence to continue

to conduct himself in that fashion. I'll not comment as to what the Prime Minister has said and his observations. That's for him.

Mr. Roy: May I ask a supplementary, in view of the candour of the Premier this afternoon. If he would talk about ministerial responsibility, how does he explain some time ago when the Solicitor General didn't even know the OPP were tapping lawyers' phones. It took the Attorney General two weeks to get the police involved—

Mr. Speaker: That is not supplementary to the original question.

Mr. Roy: It's supplementary; it's also embarrassing but it's supplementary.

Hon. Mr. Rhodes: Disturbing the House again. One day a week he disturbs the House; throw him out.

Mr. Roy: The Premier talked about ministerial responsibility.

Mrs. Campbell: Challenge the ruling.

INJURED WORKERS' BENEFITS

Mr. Haggerty: I would like to direct a question to the Minister of Labour. It's been almost one year since the standing committee on resources development carried a resolution directing the Ontario Workmen's Compensation Board to establish a comprehensive study relating to the accumulation of many programs available to employees and recommend measures of integrating all present programs of assistance. The object is to provide a measure or means of economic security to injured workers as well as survivors' benefits, whether injury occurred on or off the job. Can the minister indicate when she will be ready to table that report? I understand it has been completed.

Hon. B. Stephenson: The report is not as yet completed. There are two parts to it. The joint consultative committee of the Workmen's Compensation Board has been charged with a portion of that responsibility, a major portion. They have reported almost totally on the area for which they are responsible.

The actuarial study of the function, structure, financial viability and integrity of the Workmen's Compensation Board which we have commissioned has not been completed as yet. We have had one preliminary report and it is anticipated that the remainder of that report will be available to us at the end of December or early in January.

Mr. Laughren: Supplementary: Does the Minister of Labour really need an actuarial study to tell her that since July of 1975 there has been an 18 per cent increase in the

consumer price index and a 23.5 per cent increase in the industrial wage composite; and does she not feel that it is now time to end the unconscionable delay in the increase in benefits for injured workers in this province?

[3:15]

Hon. B. Stephenson: Mr. Speaker, there are a multitude of reasons for the institution of an actuarial study, all of which are valid in terms of making any recommendations regarding modifications of benefits of any kind from the Workmen's Compensation Board.

Mr. Laughren: That doesn't answer the question.

DARLINGTON NUCLEAR PLANT

Ms. Gigantes: Mr. Speaker, I have a question of the Minister of the Environment. Is the minister aware that the material tabled in this House on Monday by the Minister of Energy proves that there is no need for the Darlington nuclear station to be onstream by 1985? Would he, therefore, reconsider his judgement, that environmental assessment of the Darlington plant under the Environmental Assessment Act could not proceed because of time constraints.

Hon. Mr. Kerr: Mr. Speaker, the answer is no. I have not had an opportunity to read the conclusions of the paper tabled by the Minister of Energy, but I doubt that would make any difference in our original decision.

Ms. Gigantes: Mr. Speaker, could I ask the minister to take a look at the projections of demand contained in the material provided by the Ministry of Energy for the select committee on Hydro and to reconsider the possibility of going into an assessment if there is time left to do that?

Hon. Mr. Kerr: Mr. Speaker, I understand that the paper tabled by the hon. minister did not indicate there would be any slowdown in the plans for construction of that plant.

Ms. Gigantes: Correct, but there should be.

Hon. Mr. Kerr: The question of capacity, of course, is something else, but the information we have now is that it is imperative that the plant start constructing immediately.

Ms. Gigantes: That is wrong.

Mr. Reed: Mr. Speaker, is the minister aware that the growth rate attained by Ontario Hydro this year is coming in at 3.4 per cent, not the six per cent or the seven per cent advertised so much on television?

DEATH OF LABOURER

Hon. B. Stephenson: Mr. Speaker, on December 12, I believe, the hon. member for Yorkview (Mr. Young) asked a question about a cave-in which occurred at a construction site at 100 Chalkfarm Drive.

There was a major cave-in, as was reported in the newspaper, of a trench which was being excavated for the drainage pipes for an addition to a school at that address. The trench was 20 feet long, 12 feet deep and 25 inches wide, and was being dug in type three soil. The cave-in occurred on one side when the soil slid down from the top, burying the worker in a crouching position. There was no shoring and there was no ladder in that trench.

Mr. McClellan: And there are no penalties.

Hon. B. Stephenson: The rescue crews from the fire department installed shoring in order to try to enable the rescue of the individual, but the worker unfortunately was pronounced dead on arrival at hospital.

This afternoon the officials of the construction health and safety division are examining all of the information and it is my strong impression that charges will undoubtedly be laid.

Mr. Martel: A \$500 fine.

Hon. B. Stephenson: That is up to the court.

MEMBER'S BIRTHDAY

Mr. Speaker: I'm told by the hon. member for Grey-Bruce (Mr. Sargent) that the hon. member for St. George (Mrs. Campbell) is celebrating her 39th birthday today.

(Applause)

Mr. Sargent: You got the figures mixed up.

REPORTS

STANDING PUBLIC
ACCOUNTS COMMITTEE

Mr. Reid: Mr. Speaker, I beg leave to present a report from the standing public accounts committee. (See appendix A, page 3044.)

I believe it's in order to make a few comments, Mr. Speaker, on the public accounts committee report which I just tabled.

Mr. Handleman: Mr. Speaker, on the point of order which I must raise with regard to the tabling of this report by the public accounts committee, I want you, sir, to take under advisement the possibility of issuing a ruling concerning matters which come properly before that committee.

In my view, and on the point of order which I raise, this report contains matters which are not properly before the committee in accordance

with its terms of reference. One of your responsibilities, Mr. Speaker, is to protect the members of this House, to ensure that the rules of the House are applied to members and committees of the Legislature. I put to you, sir, that the public accounts committee did not adhere to the rules of this Legislature in dealing with matters which are contained in that report.

I ask you, sir, to go back to the terms of reference of the committee which are to deal with matters referred to it by this Legislature, or which are contained in the Provincial Auditor's report. The report which has just been tabled contains a recommendation concerning a matter which falls into neither of those categories.

I would point out further that referrals from a previous Parliament to a previous public accounts committee do not run over into this Parliament, sir. They must be again referred.

I make no comment about the merits of the recommendations in the report. I simply say to you, sir, that I think you should rule to the public accounts committee, and all committees of this Legislature, that they must adhere to that rule and they cannot go on fishing expeditions which are beyond their powers.

Mr. Speaker: I take it that the hon. member for Carleton is a member of the public accounts committee?

Mr. Handleman: Mr. Speaker, I raised the matter in public accounts committee. I was upheld by the chairman once and overruled twice on the same point of order.

Mr. Sargent: And he walked out.

Mr. Speaker: If you have any difference of opinion with what has transpired in the public accounts committee, you should have raised it at that time and they could have referred it to the House if they couldn't resolve it. That is the responsibility of the public accounts committee; the Speaker has no control over what happens in a committee of this Legislature.

Mr. Handleman: Mr. Speaker, further to the point of order, may I take it from your ruling, then, that any committee may by motion do whatever it wishes despite the objections of some of the members, if in fact a majority of that committee passes a motion giving it power to do whatever it wants? I suggest that's not proper.

Mr. Roy: The member for Carleton just doesn't like minority government, that's his problem.

Mr. Wildman: It's called minority government.

Mr. Speaker: The kind of information that is contained in your point of order makes no reference as to the nature of the material or the matter they discussed that you felt was outside of their terms of reference; I can't, certainly, act on anything as nebulous as that.

Mr. Handleman: I would prefer, Mr. Speaker, that you made a ruling in general that committees could not deal with matters which are not referred to them. However, to be specific, in this report there is a matter dealing with Ronto Development Company, a matter which was not before the committee properly; and this morning, a matter concerning the Ontario Educational Communications Authority was not before the committee properly.

On both occasions I raised the point of order, sir; and as I say, on one occasion, the chairman, the member for Rainy River upheld my point of order. On two occasions the chairman, the member for Rainy River, and this morning the vice-chairman, the member for London Centre (Mr. Peterson), overruled my point of order. I therefore have no option but to bring it to you, sir, in your capacity as Speaker.

Mr. Speaker: Now that I have something specific to work on, I will take it under advisement. Now I'll hear the hon. member for Rainy River.

Mr. Reid: I wonder if I could address myself, first of all, to the point of order. I was not in the Chair this morning when the motion was put and I'm not exactly sure of the terms the hon. member for Carleton put it in, but I was not contradicting my original position. I do feel the public accounts committee should have the widest possible latitude in looking at these matters. I've undertaken to check to see how they operate in Ottawa as to these matters, because it has to be clarified.

Mr. Turner: Don't go by Ottawa.

Mr. Wiseman: Don't go by them.

Mr. Breithaupt: That is from an opposition Chairman, too.

Mr. Reid: That, of course, does not bind the committee.

Mr. Speaker: We don't want a debate on the point of order raised by the hon. member for Carleton. I promised to take it under advisement. If the hon. member has something that's germane to the tabling of this report, he may put it to the House.

Mr. Reid: I do have a few such comments. Because of the shortness of time, we weren't able to meet more than a dozen times, I

believe, in the fall session. There are matters that we did not have time to pass motion on. I would hope that those matters would be referred to the public accounts committee and that the new one in the February session would be able to deal with those matters, particularly dealing with OHIP.

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolutions which were read as follows and adopted:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Transportation and Communications be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry administration program	\$ 28,555,000
Planning, research and development program	28,478,000
Safety and regulation program	32,032,000
Provincial roads program	391,567,000
Provincial transit program	62,000,000
Air program	2,516,000
Municipal roads program	341,761,000
Municipal transit program	174,479,000
Communications program	1,758,000

Resolved: That supply in the following supplementary amount and to defray the expenses of the Ministry of Transportation and Communications be granted to Her Majesty for the fiscal year ending March 31, 1978:

Planning, research and development program	\$ 9,200,000
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Resolved: That supply in the following supplementary amount and to defray the expenses of the Ministry of Treasury, Economics and Intergovernmental Affairs be granted to Her Majesty for the fiscal year ending March 31, 1978:

Intergovernmental Affairs program	\$ 500,000
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ELECTRICAL BULK METERING

Hon. J. A. Taylor: Mr. Speaker, in June 1976 the select committee of the Legislature investigating Ontario Hydro recommended that all new multi-unit residential buildings be individually metered for electricity and that existing bulk metered units be retro-fitted.

In response to this recommendation, my predecessor, the Hon. Dennis R. Timbrell, accepted an undertaking by Ontario Hydro, the Ontario Municipal Electric Association and the Association of Municipal Electrical Utilities of Ontario to investigate the ad-

vantages and disadvantages of banning electrical bulk metering in Ontario for new construction of multi-unit dwellings.

I am tabling today the final report of the tri-partite committee on electrical bulk metering. The committee's findings and recommendations are the result of the most comprehensive and exhaustive study ever conducted on the subject of electrical metering. It involved communities of all sizes across Ontario, a total of 1,111 apartment buildings and 48,632 suites. I know members will be interested in the findings of this committee.

[3:30]

In addition, as part of my consideration of these recommendations, I am sending copies of the report to a number of interested groups and individuals across the province and inviting their comments on the recommendations. I have requested that the comments be returned to me by the end of February. Subsequently, I intend to bring forward policy recommendations to cabinet.

Unfortunately, the report is not finally printed as yet, but because I wanted to take this earliest opportunity to table its contents for the members' benefit before the Christmas recess, I am providing copies of the document to each party today and to the press gallery. Printed copies will be available next week.

STANDING SOCIAL DEVELOPMENT COMMITTEE

Mr. Villeneuve from the standing social development committee reported the following resolutions:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Northern Affairs be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry administration program	\$ 3,963,000
Northern communities assistance program	37,584,000
Regional priorities and development program	79,081,000

Resolved: That supply in the following supplementary amount and to defray the expenses of the Ministry of Northern Affairs be granted to Her Majesty for the fiscal year ending March 31, 1978:

Regional priorities and development program	\$ 5,590,000
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STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the com-

mittee's report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill Pr36, An Act respecting the City of Thunder Bay.

Mr. Philip from the standing administration of justice committee also reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Ministry of Correctional Services be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry administration program	\$ 7,349,000
Rehabilitation of adult offenders program	110,143,000
Rehabilitation of juveniles program	36,379,000

STANDING MEMBERS' SERVICES COMMITTEE

Mrs. Campbell from the standing members' services committee presented the committee's report which was read as follows:

Your committee recommends that its terms of reference be amended as follows:

That the members' services committee be empowered to act as an adviser to Mr. Speaker and the Board of Internal Economy on the administration of the House and the provision of services and facilities to members and to make recommendations to this House on matters of special consideration.

Hon. Mr. Welch: Mr. Speaker, I would like to speak to this. On the invitation of the members of this committee some of us who serve on the Board of Internal Economy met with members of this committee. This matter was discussed. My only point is that as a matter of courtesy we should perhaps discuss it with the Board of Internal Economy as the Board of Internal Economy. Personally, as I indicated to the Chairman and other members of the members' services committee, I have no objection to utilizing the advisory capacity of this committee. I am wondering whether or not it would be proper simply to move the adjournment of the debate to provide us with an opportunity to review this with the Board of Internal Economy, all of the members of which were not at that meeting that particular day.

Mrs. Campbell: May I address myself to this matter? I think it has been quite clear that this committee has been labouring under grave frustrations and difficulties for some time. We did invite all of the members of the Board of Internal Economy to

our meeting and we regret very much that all could not be there.

The reason for the urgency—and it was not meant as any calculated discourtesy—was we did feel there should be a further meeting of the committee following the meeting with members of the Board of Internal Economy, since it would be the last meeting of this committee as presently constituted. We were of the opinion that it was important that we take a step which would be of assistance to the new committee so that it could start off on the right foot and be able to get into dialogue with the Board of Internal Economy, otherwise we would go through the kinds of procedures we did go through in recommending the appointment of the parliamentary librarian. Without that kind of liaison between us, particularly as so many matters before the committee involve the expenditure of moneys, we were of the opinion that we should follow the procedures of the opposite number committee in Ottawa, a committee which is working very well and which has this jurisdiction.

I would hope that the recommendation of this committee and its report would not be blocked at this time; or should the House leader of the government feel that there should be an opportunity for full discussion, I would hope there might be some preparation for some sort of amendment of this nature to be brought in when the committee is reconstituted so it doesn't flounder as we have been doing during this period of time.

Hon. Mr. Welch: I don't know what the rules are as to the number of times you can be involved. I think it is a bit unfortunate to even hint that anyone is trying to block the motion. I think the spirit of the meeting, to which I have already made reference, was excellent; I really, personally, feel we have got to find some way for this particular standing committee to feel very much a part of the responsibilities which they have been asked to carry by the House.

As we know, when the next session of this Parliament meets, we will in fact be reconstituting the standing committees of the House. It was my thought, after I left that meeting, that we in fact would have to give some consideration to an amendment to the terms of reference of that standing committee; and that perhaps rather than—and I only speak to the point of having had no notice until now—that perhaps the most convenient way would be for us to take some time to make sure we capture something of the spirit of this and have it in its proper form. I am

not taking any objection to the principle, I am just wondering whether or not, if the hon. member and the members of her committee would be satisfied at this time with that understanding, that we would attempt to reflect this—following consultation on all sides of the House—reflect this concern in the terms of reference which would be agreed upon by the House at the time of the constitution of the standing committees of the next session.

Mrs. Campbell: If I may, I was asked a question by the minister: I have looked at the members of my committee. I do not see the mover of the motion in his place, but his colleague has nodded in the affirmative; the member for Middlesex (Mr. Eaton) has nodded in the affirmative. It would appear that our committee is quite prepared to accept the undertaking, as I take it to be, that some such phraseology will be used in reconstituting the committee.

On motion by Hon. Mr. Welch, consideration of the committee's report was adjourned.

STANDING RESOURCES DEVELOPMENT COMMITTEE

Mr. Havrot from the standing resources development committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry administration	
program	\$20,892,000
Land management	
program	\$87,255,000
Outdoor recreation	
program	\$53,886,000
Resource products	
program	\$53,396,000
Resource experience	
program	\$ 9,217,000

Resolved: That supply in the following supplementary amount and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1978:

Land management	
program	\$ 4,000,000

Mr. Havrot from the standing resources development committee also presented the committee's report which was read as follows and adopted:

Your committee recommends that the estimates of the Ministry of Natural Resources for 1978-79 be dealt with early in the Second Session of the 31st Parliament.

Mr. Speaker: Is there adoption?

Mr. Havrot: No.

Mr. Foulds: I was mover of the motion that arises in this report.

Mr. Speaker: There is really no motion; it's the tabling of a report.

Mr. Foulds: Regarding the recommendation arising in the report, I'd like to point out that because of the stringencies of time in this short session, we were not able to examine the last two votes of the Ministry of Natural Resources at all, and they contained two issues most contentious and important to the people of the province. They are the mineral and the timber products votes.

It seems to me we should therefore have the review of those estimates very early in the coming session so that we can get those issues discussed fully within the next six months.

MOTIONS

STANDING COMMITTEES

Hon. Mr. Welch moved that notwithstanding the prorogation of the House, the standing administration of justice committee shall continue for the purposes of examining Bill 59, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships; and the standing resources development committee shall continue for the purposes of examining Bill 70, An Act respecting the Occupational Health and Occupational Safety of Workers; such committees to sit consecutively.

Mr. Breithaupt: Mr. Speaker, if I might speak to the item, might I suggest to the government House leader it might therefore be opportune to remove resolution 5 presently standing on the order paper, so that there will be no confusion and we'll be quite clear as to the plans and the manner in which those two bills will be dealt with?

Mr. Roy: I just want to say, Mr. Speaker, on the motion itself, that we of course are in agreement with the motion and are very supportive. We've been waiting anxiously for some time to deal with that family law bill, and those of us in this party are in full agreement that we follow the most expeditious way possible to deal with that bill.

LAW REFORM BILL

Hon. Mr. Welch moved that notwithstanding the practice of the House and notwithstanding the prorogation of the House, Bill 59, An Act to reform the Law respecting

Property Rights and Support Obligations between Married Persons and in other Family Relationships, shall remain referred to the standing administration of justice committee for clause-by-clause examination to be completed not later than Friday, January 27, 1978; and upon the commencement of the Second Session of the 31st Parliament, the bill shall be deemed to have been introduced and read the first time, be deemed to have been read a second time and referred to the standing administration of justice committee.

Motion agreed to.

OCCUPATIONAL HEALTH AND SAFETY BILL

Hon. Mr. Welch moved that notwithstanding the practice of the House and notwithstanding the prorogation of the House, Bill 70, An Act respecting the Occupational Health and Occupational Safety of Workers, shall remain referred to the standing resources development committee for clause-by-clause examination to be completed not later than Friday, February 17, 1978; and upon the commencement of the Second Session of the 31st Parliament, the bill shall be deemed to have been introduced and read the first time, be deemed to have been read a second time and referred to the standing resources development committee.

Motion agreed to.

[3:45]

COMMITTEE SUBSTITUTIONS

Hon. Mr. Welch moved that the following substitutions on committees of the House be made:

On the select committee on company law; Mr. Warner for Mr. Laughren, Mr. G. E. Smith for Mr. Grossman, Mr. Hodgson for Mr. McCaffrey.

On the select committee on Inco and Falconbridge layoffs; Mr. Wildman for Mr. Germa; Mr. Wiseman for Mr. G. Taylor; Mr. Sweeney for Mr. Reed; Mr. Conway for Mr. Peterson.

On the select committee on Ontario Hydro; Mr. Belanger for Mr. Handleman; Mr. McNeil for Mr. Lane.

Further, that the following substitutions be made on standing committees:

On the standing resources development committee; Mr. Davidson for Mr. Charlton, Mr. Lupusella for Mr. Bounsall, Mr. Laughren for Mr. Samis, Mr. Martel for Mr. Ziemba, Mr. Mancini for Mr. Bolan, Mr. Hall for Mr. Reed, Mr. Baetz for Mr. Hennessy, Mr. Eaton for Mr. Lane, Mr. Johnson for Mr. McNeil,

Mr. Rowe for Mr. Pope, Mr. Sterling for Mr. Yakabuski.

On the administration of justice committee; Mr. Bounsall for Ms. Gigantes, Mr. Swart for Mr. Lawlor, Mr. Ziembra for Mr. Warner, Ms. Bryden for Mr. Lupusella, Mr. Johnson for Mr. Cureatz, Mr. Rowe for Mr. G. Taylor, Mr. Turner for Mr. Handleman, Mr. Havrot for Mr. Williams.

Mr. Deans: Before the member for Ottawa East gets up and makes a fool of himself again, I want to—

Mr. Roy: I am still cheering for him for the leadership.

Mr. Kerrio: You could do that sitting down.

Mr. Speaker: Are you addressing yourself to the motion that is before the House?

Mr. Deans: I'm trying.

Mr. Speaker: I wanted to make sure the House understands that even though these standing committees will be sitting during prorogation, there will be the power to substitute.

Mr. Roy: That's important. We'd have missed that, you know, if he hadn't picked that up.

Mr. Deans: Yes, you would have missed it.

Mr. Martel: You wouldn't know the rules.

Mr. Deans: You wouldn't even understand it.

Mr. Speaker: Is that understood?

Hon. Mr. Welch: Yes. I understand from the clerk at the table that power is already given to the committees.

Motion agreed to.

INTRODUCTION OF BILLS

LABOUR RELATIONS AMENDMENT ACT

Mr. Williams moved first reading of Bill 126, An Act to amend the Labour Relations Act.

Motion agreed to.

Mr. Williams: Mr. Speaker, the bill requires a trade union to provide additional information about its financial affairs to members and to the Ontario Labour Relations Board. The union must prepare a statement of salaries, expenses, fees and commissions, and a statement of investments to be provided to its members. An audited financial report must be filed annually with the board and the members of the trade union may obtain copies of the statement from the union upon request and without charge.

In addition, the bill limits the amount of union funds provided by Ontario members

that may be transferred outside of Canada, and requires that investments made of union funds be of a type authorized by the Trustee Act and the Pension Benefits Act.

Mr. Warner: Extend that to Inco; and send a message to George Weston.

MUNICIPAL AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 127, An Act to amend the Municipal Act.

Motion agreed to.

Hon. Mr. McMurtry: There are two main purposes to this proposed bill. One is to extend the existing powers of councils and municipalities to pass bylaws to regulate and control the so-called body-rub parlours.

Mr. Foulds: It says "adult entertainment parlours" in the explanatory note.

Hon. Mr. McMurtry: The other purpose of the bill is to confer new powers on municipalities to license, regulate and control establishments which are not in the business of operating body rubs but in which sex-oriented activities are carried on or sex-oriented goods are sold.

Mr. Conway: You are a brave man given the present headlines.

Mr. Foulds: What does this do to the drug stores?

Hon. Mr. McMurtry: Perhaps I can comment very briefly on the history of this legislation. In 1975 amendments were made to the Municipal Act to permit municipal councils to pass bylaws for licensing, regulating, governing and inspecting body-rub parlours. The experience of some municipalities, particularly the municipality of Metropolitan Toronto—in the two years since the legislation was enacted would indicate that existing legislation does not go far enough in giving the municipalities the powers they need.

My ministry and the Ministry of Treasury, Economics and Intergovernmental Affairs have received requests from the municipality of Metropolitan Toronto, city of Toronto and others for legislation granting of further powers. The municipal bodies concerned have been consulted at each stage in the development of the legislation and have concurred in its form and content.

Mr. Foulds: Mr. Speaker, I draw to your attention the definition section of this bill should become a best seller.

LANDLORD AND TENANT AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 128, As Act to amend the Landlord and Tenant Act.

Motion agreed to.

Hon. Mr. McMurtry: This bill is complementary to the amendments to the Municipal Act which I have just introduced. It provides that in every tenancy agreement involving commercial premises there shall be an implied term that if the tenant operates a body-rub parlour or an adult entertainment parlour without a licence for himself and his employees as required by municipal bylaw the landlord may re-enter the premises and terminate the tenancy.

LEGISLATIVE PAGES

Mr. Speaker: Before the orders of the day, and in view of the fact that sooner or later this session will come to an end, we would like to recognize the very great efforts of the group of young people, our pages, who have served since the House came back in October.

As is the custom, I will read their names into the record for posterity and will send them a copy of Hansard when that is printed.

We have: Peter Atkins of Markham, Terrie-Ann Butler of Port Severn, Erin Code of Perth, Andrew Cortens of Dryden, Americo Dean, III, referred to as Mark, of Belle River, Evan Ewasko of Sarnia, Kent Frame of Woodbridge, Douglas Dow Gibson of Sudbury, Lisa Gregson of Oakville, Robin MacKay of Freelon, William Marchant of Georgetown, Martin Maurer of Goderich, Catherine Purser of Lakefield, Leslie Sims of Whitby, Darryl Hannington Stauth of Mississauga, Lisa Stirling of Cobourg, Karyn Stock of Windsor, Cathy Strickland of Willowdale, Jay Swanborough of Burlington, Evelyn Ten Cate of Brockville, Susan Wandless of Toronto, and Wendy Wilson of Oakville.

Mr. Ruston: Just before the orders of the day, I would like to mention as a note of interest that Mark Dean's father was a page boy here a few years ago.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 68 and 69 standing on the notice paper. (See appendix B, page 3045.)

ORDERS OF THE DAY

CITY OF SAULT STE. MARIE ACT

Mr. Lane moved second reading of Bill Pr9, An Act respecting the City of Sault Ste. Marie.

Motion agreed to.

The bill was also given third reading on motion.

CITY OF THUNDER BAY ACT

Mr. Hennessy moved second reading of Bill Pr36, An Act respecting the City of Thunder Bay.

Mr. Foulds: This is one of those rare and pleasant occasions when in spite of political differences, the member for Fort William (Mr. Hennessy) and the member for Port Arthur agree. I commend the bill for quick passage by the House.

Motion agreed to.

The bill was also given third reading on motion.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following ministries were concurred in by the House:

Ministry of Transportation and Communications;

Ministry of Transportation and Communications (supplementary);

Ministry of Treasury, Economics and Intergovernmental Affairs (supplementary);

Ministry of Northern Affairs;

Ministry of Northern Affairs (supplementary);

Ministry of Correctional Services;

Ministry of Natural Resources;

Ministry of Natural Resources (supplementary).

STANDING PROCEDURAL AFFAIRS COMMITTEE

(concluded)

Resuming the adjourned debate on the motion for adoption of the November 15, 1977, report of the standing procedural affairs committee.

Hon. Mr. Welch: Mr. Speaker, when this report was submitted we felt it would be wise to provide some time for all three parties in the House to give some consideration to the provisional rules. This is basically a motion which extends the provisional rules for the next session of this Parliament. I think now that everyone has had the opportunity to consider the provisional rules, it will simply

be a routine matter to adopt this report. It will have the effect of extending the provisional rules.

One or two things perhaps should be said very briefly at this time with respect to our understanding of the situation. Although not necessarily related to the motion itself, the following things have generally been agreed:

First, in the selection of estimates in the next session, the estimate choice will be by policy field, that is within the policy fields.

Secondly, we will extend to the next session the ballot which has already been completed as far as this session is concerned so that members will maintain their order. We will simply carry on next session with the balloting order already determined, with one exception; namely, we will provide for a ballot at the beginning of the next session for those who did not take advantage of the ballot for this one. That order will be determined and they will be added to the already agreed upon list of private members.

Mr. Breithaupt: Mr. Speaker, just with respect to that; I thank the government House leader for those comments about the two agreements which were reached. As I recall, we would have the opportunity, as we are dealing generally with the rules, to refer to an additional item I believed he was going to speak to. With respect to the bills that are standing in committee and were considered to be private members' bills, I understood these would stand over, with the opportunity that committees might be able to deal with them in the next session. If the minister would like to speak to that now, then I think that will complete all the outstanding items.

[4:00]

Hon. Mr. Welch: I thank the hon. member; actually I had my fingers set to cover three points, but I missed that one.

The third point was that insofar as private members' public bills are concerned—is that the proper reference to them?—on private members' public bills presently on this order paper, it's understood that if the movers of those bills so desire, at the beginning of the next session we could go through whatever formal steps are necessary at that time to place the private members' public bills in the same position on the new order paper as they now bear.

Mr. Breithaupt: That will include, I trust, the two items which we may discuss today if they proceed.

Hon. Mr. Welch: That's correct, Mr. Speaker.

Mr. Conway: Mr. Speaker, I would like to commend the government House leader for

that point, particularly about the balloting procedure, which I see as a very useful and positive change. I would ask, realizing I have not discussed this with my friend from Kitchener, whether or not there will be an overhauling of that procedure to more formalize the balloting procedures and to remove the rather anomalous conditions that exist at present.

Hon. Mr. Welch: Once the provisional rules have had an opportunity to work for a full session I think there will be a number of us in the House who might have a considerable amount to say about them. In fact, the clerk and others at the table, as they watch the working of the rules, will have some advice for us, and indeed we'll have ample opportunity to go through this.

Motion agreed to.

PRIVATE MEMBERS' BUSINESS ELECTION AMENDMENT ACT

Mr. Breithaupt moved second reading of Bill 116, An Act to amend the Election Act.

Mr. Breithaupt: Mr. Speaker, I'm pleased to have the opportunity to make some remarks with respect to Bill 116, as it includes a number of areas in which I have been particularly interested. In the notes that are in the front of the bill, members of the House will be able to see that we deal with a number of particular themes.

The first theme, of course, is to some extent a repetition of the opportunities we had to deal with a certain item when the Municipal Elections Act, Bill 98, was before the House just last week. That suggests that the term "or other British subject" should be removed from the qualifications for voting in provincial elections.

This matter has been discussed in the House on a number of occasions. Back in May, 1972, and again in May, 1974, amendments to the Municipal Elections Act were brought forward and this general theme of citizenship as a qualification for voting was discussed by the House at that time. I might refer the House to the remarks which I made then, on page 2435 of Hansard on May 24, 1974. The comments and the principles were to some extent repeated in the opportunity to debate the recent changes which this House referred to as Bill 98, but there are just a few things that I feel are worthy of repetition on that particular theme.

We believe, Mr. Speaker, that Canadian citizenship should be the only criterion on which a person should have the right to vote within an Ontario election. I suppose that over the years, and we have made these arguments

when the bills have been brought forward from time to time, there were the historic reasons, because of our traditional immigration patterns, that would have led us to believe that persons naturally familiar with our election procedures and practices, since they came from the British Isles, would be able to fit into the Ontario scene perhaps more easily than those who came from other countries of the world.

However, that historic pattern of immigration has substantially changed, and now we find that we are, in fact, benefiting some persons by maintaining that phrase and we are discriminating against certain others. The amendments have been dealt with from time to time, as I have said, and in May, 1974 we were even at the stage where the minister charged with piloting the bill through the House, was prepared to change the Municipal Elections Act in order to remove the phrase, "or other British subject."

Obviously cooler, calmer or other heads prevailed when this matter came to the cabinet, and in the next week the amendment was withdrawn and the bill was not changed.

Last week we again had the opportunity to deal with that bill at the municipal level, but the House decided that was not satisfactory at that time.

I suggest the first thing we should do in this circumstance is to look at the federal election law. There we find that Canadian citizenship is the only criteria for voting in federal elections. There was a five-year period of grace granted in which this procedure could take place so that no one would be disenfranchised; but as of June 26, 1975, any subsequent elections was to be open only to persons who were Canadian citizens. As a result, the federal election, which we may expect in the coming year, is going to have Canadian citizens as the only group of persons who can vote.

This is surely an important decision. It is one that has not been entered into lightly; but it is one of which every immigrant to Canada since that time is aware, and which has been put in in a manner to allow persons who have come to Canada to complete their immigration requirements and become citizens. Surely there can be no rational reason for any other alternative for voting in federal elections; similarly, there can be no rational reason for any other criteria to be in place in Ontario in 1977 for voting in provincial elections, other than being a Canadian citizen.

There can be, I suggest to you, no middle ground on this point. The federal election

law has been changed; the citizenship requirements have been changed; and yet we are advised there are persons from some 40 nations in the world who, by coming to Ontario, can vote in the Ontario elections.

These people are from states within the Commonwealth, all recognizing Her Majesty as the head of the Commonwealth, but probably not recognizing anything much else in common.

Remember the tradition of the British Empire. That tradition was a most honourable one; but indeed at the present time the phrase "... or other British subject" really has absolutely no meaning, because the phrase is no longer "British subject;" the phrase is now, "Commonwealth citizen." Obviously we must welcome Commonwealth citizens and others into our communities and encourage them to become Canadians.

I recall, Mr. Speaker, just recently an occasion in Kitchener where some 63 Ugandan refugees became Canadian citizens. They were very pleased at the opportunity and at the welcome which they had received. They had come here as refugees from Uganda, from difficult times and from a country whose recent history has been a most unhappy one. They have now stepped forward and have become Canadian citizens. They are, of course, proud of their background and history; many of their parents or grandparents had come to Uganda originally from India. They have now decided to become Canadian citizens, and that is of course the kind of encouragement which this bill would bring forward.

I suppose it's really all summed up in an editorial which appeared in the Sault Daily Star of November 23. I'd like to just read a portion of that editorial for you:

"The legislation covering federal elections restricts the right to vote to Canadian citizens and there seems no reason why the provincial and municipal elections should not be confined to Canadian citizens.

"The right to vote is an important one, but it should be conferred only to those who are committed to this country to the point where they have embraced Canadian citizenship. Most Canadians would accept this qualification for voting. Equally important, it is probable that most people living in this country who are not Canadian citizens would accept the stipulation that they not have the right to vote in elections in this country unless they become Canadian citizens."

I realize it may be difficult for some members to support this particular amendment. I can only encourage them to stand up and put their responsibilities as Canadians first.

I do believe that this amendment brings forward an idea whose time has come and I hope that members will be able to support it.

My bill has another important theme which I hope will be supported by all members of the House. That theme deals with the accessibility and the general rules that cover those persons in our society who have physical handicaps or who are in hospital at the time of elections, or who may happen to be blind. The Chief Election Officer is by these amendments, given authority to set standards for convenient access to polling places by persons who are physically handicapped. In addition, the bill provides that so far as is reasonable, all polling places should be, and all advance polls must be, accessible to persons who are physically handicapped. In addition, those persons who are physically handicapped are permitted to name voting proxies up to and including the date of the election.

Finally, the restriction which presently exists that allows a blind person to be able to have a friend, but only one friend, vote at an election is removed. You will recall in the debate on Bill 98 the parliamentary assistant had suggested that this was a matter that could be open to abuse where one friend might vote separately and be the proxy for a number of blind persons. I don't think there will be any abuse if this does take place. I believe that one person could most honourably be able to vote and follow the instructions of a number of blind persons.

I hope the House will be able to see some reason, therefore, to support those amendments which deal particularly with the difficulties that handicapped persons have within our society. We obviously must encourage the voting and the active citizenship of these persons as well as of those of us who are able to move more easily to polling stations in order to exercise their own franchise.

There are three other changes which I am suggesting as improvements to the Election Act.

The first is that the political affiliation of candidates would be shown on the ballot. The second is that campaign material would be prohibited from being brought into or placed near a polling station on election day. The third is that the procedure for establishing the qualifications of a voter, commonly known as "vouching," that exists in rural areas would also be extended to urban polls.

The major importance for this last point lies in the difficulty of enumeration, particularly in the large apartment buildings where we hear from time to time of a whole build-

ing being missed at an enumeration, or of a floor in the building being missed; or indeed possibly even a block within an urban area being missed by the persons who are charged with preparing the voters' lists.

As a result, people who through no fault of their own have been missed would have the opportunity of having their names placed on the voters' list and being able to vote on election day where they are vouched for by their own neighbours whose names would be on the voters' list. I do not think it's a matter which is going to be open to abuse. Indeed I suppose the original legislation was probably put into place because it was thought that good rural citizens could vouch for their neighbours but one might well have to watch the city slickers who could be up to some tricks in encouraging voters who were not qualified or were not resident within that poll.

Mr. Conway: That's why those farmers in Prince Edward-Lennox are still trying to figure out who their member is and where he came from.

Mr. Breithaupt: That may well be the reason.

Hon. J. A. Taylor: They are not as dense as you are. They all know and they are quite happy with him.

Mr. Warner: They want you to resign, they keep sending me letters.

Mr. Deputy Speaker: Order.

Mr. Breithaupt: I suggest that the opportunity has now come to deal with this theme at this time so that we will be able to encourage more qualified citizens to vote easily, particularly where they have been missed and where the procedures at the present time do not allow them to vote on election day.
[4:15]

Therefore, there are three themes. I have referred to the first, the matter of citizenship; I have referred to the second, the matter of accessibility and convenience for our blind and handicapped persons; and thirdly I have mentioned particular items, especially the one of vouching. I suggest if the members of the House wish to encourage a greater involvement of people on election day, the passage of these amendments will have that beneficial effect. I hope all members of the House will be able to support this bill.

Mr. Deputy Speaker: Does the hon. member for Kitchener wish to reserve any time?

Mr. Breithaupt: No, Mr. Speaker.

Mr. Warner: I rise in support of the bill, an Act to amend the Election Act, put forward by the member for Kitchener. I wish to say

at the outset that throughout the debate which took place last week, despite the difference of opinion which existed, the concern which the member expressed was evident and appreciated. We may differ on points, but I always think it is very healthy when we see a concern and have it expressed in the way in which it was expressed by the member for Kitchener.

I would hope members of the House could appreciate that there really is a difference between municipal elections and provincial elections, as to what matters they address and why we perhaps should have different rules apply to each. It seems to me we should be moving to expand the franchise at the municipal level, while seeking to amend it in the way which is suggested here for provincial elections.

Municipal elections deal with those items which are immediate and close at hand, such as water, sewers, garbage collection, the school system and so on. It makes good sense to me that anyone who has resided in a community for at least two years has evidenced a concern and some connection with the community and should have the opportunity to vote, regardless of citizenship. I think that is extremely important.

When we come to provincial elections, however, I think we are dealing with matters which are not quite so immediate and quite so direct. They often deal with a wider scope of measures, and voters really should have a greater kind of commitment, that is to say, Canadian citizenship, which now fortunately is available after three years. I have for some time been hoping they would reduce the number of years, and they have, from five to three; that's applaudable. Now we should conform in provincial legislation to say that the rules which apply for federal elections will apply here.

I have a caution in all of this. I would ask the mover of the bill to consider seriously the date of implementation. The experience, as he knows from the changes which were made in 1972 with respect to federal legislation caused problems because the federal government, unfortunately, did not deal with the situation very well. People were not informed, and suddenly, at election time they became aware their franchise had been removed.

I went through that experience very directly, as I was a federal candidate in the election of 1972. I remember meetings were there were hundreds, literally hundreds of people who were having their franchise removed and who were very annoyed and angry about it. The federal government had

not informed them what was taking place. It seems to me there are several things that need to be done.

If we are going to change the rules, that should be made apparent through the information that is handed out in Canadian immigration offices, both here and in other countries, so that before someone contemplates coming to Ontario they know through the immigration office in their country of origin that the rules in Ontario are that you must be a Canadian citizen before voting in a provincial election.

I think also that the province should make sure that the information is disseminated to the community information offices—we have a large number of those in Metro Toronto—and in many languages, so that the citizens who are now residing in our city are well aware of what's required. That wasn't done in 1972 when the federal government decided to change the rules. Surely we can do things better.

Other things mentioned here are also an improvement over the present situation. The proxies for physically handicapped persons; I cannot underscore too heavily that the present system is inadequate. It poses great problems for the people who wish to vote and are physically handicapped to the point where they cannot leave their residence. I recall vividly in two elections, in 1975 and in 1977, the same two people residing in a house in my riding had enormous problems in trying to conform to the rules and in actually getting to vote. In one case we did manage to get a proxy vote for them; in the other we were too late, it didn't work. It's a problem and it should be overcome and it can be overcome.

I'm concerned about the location of polling places. Witness my own riding with 150 polls; in an area with a population of 75,000 we have 49 polling locations. In the one particular area where we have 8,000 people, we have one polling location, the remainder of the people must travel close to half a mile to vote, and these people live in high-rise buildings. Under the present legislation, before locating a polling station in an apartment building you must obtain the permission of the owner. We have a lot of apartment buildings where there are absentee landlords and where the property management people just don't seem to be particularly concerned about locating a polling station in their building.

I would like to see, if this passes and goes to committee, that we amend the bill to say that the decision about locating a polling

station in apartment buildings be left to the tenants of the building; that they decide whether or not they wish to have a polling station located in their building, provided there is at least a minimum number of voters; and we can establish a minimum number for the building.

I like the idea of placing the party affiliation to the ballot. I think that would be helpful. Some members may actually lose votes by that, but it might be a good way to get rid of some Conservatives.

Mr. Sargent: Wouldn't you like to put Liberal after your name, David?

Mr. Warner: I have a greater sense of pride than that, Eddie.

The present rules for voting really do make it quite difficult for handicapped persons to actively take part in the voting process. One of the things that needs to be done, of course, as the member suggests, is to make sure that our polling places are accessible to people who are handicapped.

Beyond that, what really needs to be done is quite obvious. The building codes need to be changed and the courses of instruction for architects and others need to be changed as well so that we design our buildings from the outset to accommodate people who are handicapped. It should not be an after the fact process, which is what we do now. I think that's essential and we just haven't done it up until now.

In conclusion, while I support the bill, I would hope—and I know the member has foregone any opportunity to respond at the end of this debate—that he would very seriously consider the date of implementation, particularly if this bill is passed and goes to committee. We're not going to deal with that until the spring, so everyone can be properly informed and we won't have the same fiasco which occurred in 1972 when the federal government decided to change its rules.

There are reasons for having a differentiation between municipal elections and provincial elections. At some point this government really does need to expand the franchise at the municipal level, but first we need to change these rules as they apply to the provincial elections. Hopefully that process will begin today when all members in this Assembly will support the legislation put before us.

Mr. G. Taylor: Mr. Speaker, may I address myself to Bill 116 and the member for Kitchener? I am very pleased to see such a bill come forward. In my own opinion of what private members' legislation should

be, this bill is one that fits that category entirely. It is one that is bringing attention to complications in the Elections Act and is bringing to our attention the complications that people have in exercising their franchise in this province.

Let me first deal with the physically handicapped. Although he has put a definition in his bill of the physically handicapped, and I may comment upon that later, he has not defined what those physical handicaps might be.

Even today I am labouring under a physical handicap, a cold, but I am sure we would not include that, Mr. Speaker. He has a type in mind, and when and if this bill comes to committee would he put forward possibly a greater definition of those who might be physically handicapped? Many of us have the concern that it could be extended to maybe a meagre hang-over in the morning, rather than those whom we know have genuine physical handicaps.

The other thing on that same topic of the physically handicapped is that it says "physically incapable of attending a polling place."

There again, I express the same comments; that might apply where one might be physically incapable of attending a polling place, but might not be physically handicapped. I know the member has not reserved time for rebuttal on that, but he might explain that at some future date in committee, whether it is inclusive of both of them or one excludes the other, because one might genuinely have a physical handicap but it might not include that of being physically incapable on the day of voting.

It might particularly apply to those who are immediately hospitalized, and that happens frequently. As you are coming up to the voting date, you might not always know that you will have to attend hospital on an emergency basis, but you might still be physically incapable of attending, yet capable of voting. There again, the proxy situation that he puts forward at a later time is very laudable.

Also, the designation of the physically handicapped using the international symbol is of great assistance. Many of our buildings, be they public or otherwise, do not have this on them and are not built that way and constructed to take care of the physically handicapped. It is becoming more and more a manner of construction, indeed the symbol is becoming more and more common throughout our public areas.

But we must keep in mind when we put forward this idea, when we give that power

to the Chief Election Officer to set the standards, and those standards do go down to his designations as the election comes forward, that because indeed the Chief Election Officer could not view all these places the standards should not restrict the use of many buildings which are presently available to us today, such as schools, community buildings, arenas, apartments and homes.

If the regulations were to be applied too stringently, or the standards set too stringently, we might disenfranchise many voters just because the distances are too great. Those who might be physically handicapped may not want to travel the distances to a polling booth that was located in a building that met the standards of the Chief Election Officer, should those standards be too stringent and not enough buildings available.

As to the proxies, Mr. Speaker, I think this is a very excellent idea. We have had great difficulties in the past with proxies. Although he is reducing the requirement as set out in the Act in its present form, where you get a medical practitioner vouching for the physically handicapped, I do not think he needs to go that far on the proxy. Maybe just to keep the checks and balances in our voting system would be enough, because some people do play free and easy with the voting when it comes time, what with their zeal and their anxiousness for their particular candidate or their party. We might just leave that in there. Then when it comes time at committee stage there might be a greater safeguard for the proxy, rather than just somebody saying he is physically incapable by way of affidavit or some other oath. So a medical practitioner may be sufficient safeguard on that and perhaps we do not need that section repealed.

[4:30]

Again, speaking on the very excellent portion dealing with Canadian citizenship, we have come a long way since the days when British subjects were the original colonials, many of our forefathers came from the British Isles and a British subject was a label that meant, as the speaker for the bill has said, he was attuned to our political background and to our political ways and traditions.

When we get to Canadian citizenship I think that is a very prime concern and one of mine. I think if a person is interested enough to be putting forth his effort for this country, he or she should become a citizen. One should not be able to vote for the type of government we have in this province, both federally and provincially, without being a Canadian citizen. I'm sure if the member for

Renfrew North (Mr. Conway) were speaking today he would go back through the history of how between the First and Second World Wars we were gaining independence. This was also true even during the wars—when our forces fought under our own flag, as one unit, not under the paternalism of the British forces.

It would appear that some would like to continue that paternalism now by leaving the term British subject in legislation. I feel we have come a long way in getting ourselves out from under that paternalism and out of that puberty and into adulthood, where we can put forth our mandate on our own as Canadian citizens, not being hampered by "or British subject."

I would definitely support his section on the British subject part of the Act, I think it should coincide with the federal legislation. I don't think all our provincial legislation should necessarily coincide with federal legislation, but in this case it does give some conformity to our electoral procedures so that one knows he is a Canadian citizen.

I am sure those who are British subjects who live in countries other than the British Isles, if we went to many of their jurisdictions surely the fact of citizenship is one of their most prime concerns in voting in their country. Surely not just an itinerant person who happens to be passing through under the label of a British subject or a British passport should be able to vote for the government of this province or of this country.

Some of the other features of this bill I am sure can be corrected in the committee stage; some are redundant in that they have been taken care of in the original legislation. The mover of this bill has added words to it and he has amplified it, but I think by the time it reaches the committee stage it will form a very good addition to the Election Act. I am sure if it does not come to its final reading that the government and the clerk, who I understand in putting forth some suggestions for amending the Election Act itself, will give great consideration to these features in the changes in that Act if this bill does not become legislation.

Mr. Conway: Thank you very much, Mr. Speaker. I am very pleased to rise in support—not only in support of Bill 116 but perhaps with equal enthusiasm in support of my colleague from Kitchener, who has, I think, over the years made somewhat a personal crusade of improving our election process in this province. I certainly want to commend the hon. member for Kitchener for a very impor-

tant focus on an extremely sensitive area of our political process.

I must say, Mr. Speaker, that having gone through two provincial elections I have been impressed generally by the degree in which our electoral process works in positive terms. The system really does seem to work, by and large, with great effect. I can well recall a friend of mine being involved in a disputed election and in the recount procedures and the like, and expecting to find many sinister things. He was able to comment when it was all over that, really and truly, the electoral process in this province is a credit to the people of the community.

I speak as someone from Renfrew county where elections and the process which surrounds them has probably got a special flavour. One of my good Conservative friends in the most recent election was reminiscing one day about how someone had once told him that the tradition in our area had been on election day one voted early and voted often.

But there are some disturbing trends in modern elections and I suppose in modern provincial elections. For example I was looking at the return from the records, which of course is that sessional paper published after each election in this province, which gives among other things the statistics on voter turnout. It disturbs me, because I think surely the principle that is most important in Bill 116 is, as my colleague for Kitchener has so eloquently put it, that we must make the process as available and as accessible as possible.

When I look down the list and see, for example, in the recent provincial elections of 1963, 1967, 1971, 1975 and 1977 that we have had voter turnout of only 63.5 per cent in 1967; 66.2 per cent, 1971; then 73.5 per cent and down now to 65.6 per cent. I think those are, in a sense, alarming trends for me, that only two-thirds of the electorate are participating. I know there may be some here who feel that is relatively speaking—

Mr. Foulds: There aren't two-thirds of the members in the House today.

Mr. Conway: —a good turnout because I realize that in recent American presidential elections the turnout has really been shockingly low. At least I think that in the 1976 case it was lower than it had been on many occasions.

Looking at the individual constituencies, Mr. Speaker, I am sure, like all members here, you are alarmed to realize that on June 9, 1977, less than 60 per cent of the good burghers in Chatham-Kent turned out to re-

elect our friend the Treasurer (Mr. McKeough).

(Looking down the list there are a number of constituencies where the turnout was significantly less than 60 per cent. That is a trend, I think, that has some alarming implications about it, and I think Bill 116 as it seeks to make the process more accessible and make the participation greater than it has been, is for that purpose eminently laudable.)

I think, as the member for Kitchener has said, that surely there is a responsibility for those of us in this chamber, at least in the electoral process to unify and make uniform the qualifications of voting for all citizens in all elections in this province, whether they be municipal, federal or provincial.

That, of course, takes me to section 5 of the bill, which seeks to remove the British subject qualification. I don't intend to review the very excellent debate of a week ago to which there has been reference made by my friend the member for Simcoe Centre (Mr. G. Taylor) and also the member for Scarborough-Ellesmere (Mr. Warner). I want to say that I think the comments made by the member for Simcoe Centre are extremely appropriate. I know they are comments shared and felt by all members of all parties.

I was impressed, Mr. Speaker, to receive from my good friend, the member for Brant-Oxford-Norfolk (Mr. Nixon), a written submission from the Treasurer in response to an order paper question tabled by him some days ago which was an inquiry of the ministry to the effect: "For the purposes of the municipal and the provincial elections Acts, what countries are included as the homelands of British subjects?" The review that was provided makes, I think to say the least very interesting reading. It seems to me, if my conversations have been accurate, that what is really being told to us by various officials is that as it presently stands, the "British subjects" category is quite unenforceable and basically meaningless.

Mr. Foulds: What does that mean?

Mr. Conway: We're simply told it cannot be enforced, at least that was one of the implications. But to the extent it can be, I want to review for the member for Port Arthur some of the homelands of British subjects in terms of provincial elections. Three of the countries listed, I think, are very interesting: South Africa, the Republic of Ireland, and Rhodesia.

I see that as a very significant concern for members of this Assembly, at least for any member here who would feel obligated to defend that principle, because quite frankly

all of us, I think, have probably, from time to time expressed in private or public serious concerns about what is going on in at least two of those jurisdictions, South Africa and Rhodesia. I think it's the ultimate hypocrisy to allow a provision which would make it possible for South Africans and Rhodesians to vote in our provincial elections. I don't think that's something we would want to allow.

I think because the British subject provision is non-reciprocal it's certainly not relevant in the modern context; and I've been led to believe by certain members that it is basically unenforceable in terms of the election process. For those, and many of the reasons expressed by my friend from Simcoe Centre it certainly should be allowed to lapse.

Section 6, Mr. Speaker, deals with the provision that the ballot shall contain the names of the candidates and their political party affiliations. I speak with very positive vigour in support of that, because I had a personal experience in 1975 which I think would make me want to support that for personal reasons. In my first run at elective office in that election, there were basically three new candidates whose names were in order on the ballot: Conway, Sean; Cotinam, Robert; Cox, Robert. For the average citizen in the constituency, who really didn't know any of us outside of the brief period of the election campaign, that was a very confusing ballot. I am sure that had the—

Mr. Martel: That's why you won it.

Mr. Conway: —party affiliation been identified, I would have won by—

Mr. Nixon: A landslide.

Mr. Conway: —considerably more than 183 votes that were afforded me on that occasion.

Mr. Nixon: The people who know quality knew.

Mr. Conway: I want to say that I would strongly support that particular provision from my own personal experience.

Mr. Martel: You would never have made it if they knew you.

Mr. B. Newman: They've selected quality.

Mr. Conway: Section 10 which seeks—

Mr. Foulds: They would not have voted for you if they knew you were a Liberal, no way.

Mr. Conway: Mr. Speaker, I don't know why whenever I try to speak in reasonable and moderate terms I am incessantly heckled by members, particularly of the left.

Mr. Nixon: Good question.

Hon. J. A. Taylor: It is the only time they exercise good judgement.

Mr. Conway: Section 10 deals with the provision that no persons shall bring or place near a polling place any campaign material displaying the name of the candidate or any political material. I don't know whether other members faced what I did in the June 9 election in 1977, but I distinctly recall, in a great number of polling stations which it was my considerable privilege to visit on that famous day, the government candidates having these extraordinarily expensive election-day kits which were festooned in those elaborate and unforgettable colours now symbolic of that failing attempt—red, blue and white, and emblazoned on the scrutineer's book was something like, "Your future, Your choice"; and then a few other things. I thought, "You know if I'd been following the campaign I might have been influenced by that." Perhaps that was a contravention of the Act as it was. I saw a great deal of that and I wondered if indeed that was a proper thing. I would strongly support this particular section.

Finally, I feel very strongly that the proxy provisions deserve tightening. I don't know whether other members faced difficulties with university students, for example, in the June 9 election. They really found themselves, rightly or wrongly, in that neither fish nor fowl category. The election was called when the universities were breaking up and the vote was taking place when many of them were far distant from both their universities and the residences of their parents.

In summation, I want to say I feel very strongly that this is an eminently recommendable piece of legislation, deserving the support of all members in this House to not only make the election process in this province uniform—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Conway: —but certainly to make the process most accessible so that we can truly have, in that famous Liberal phrase, an honestly participatory democracy.

Mr. Deputy Speaker: I would like to inform the members of the House that this debate must conclude at 4:55. The member for Beaches-Woodbine.

[4:45]

Ms. Bryden: This bill is a bill which gives members schizophrenia because it has eight different major proposals in it, all of which really require debate at considerable length; yet we have less than one hour to deal with all eight of them and only a very few members can participate in that time. It is not the same as a second reading of government bills, where any member who wishes to participate in second reading does have an opportunity,

if he disagrees with parts of the bill, to inform the House as to why he disagrees and why he is voting one way or the other.

I think also a private member's bill of this sort is really an abuse of the system of private members' bills. The idea is to allow discussion of new proposals, new legislative ideas and new principles the government hasn't seen fit to embody in its legislation so far. If we're going to do that seriously, we have to deal with one principle at a time. It is unfair to members and incorrect use of the private members' hour to ask members to try to make up their minds whether on the eight items presented they are for five and against three, or for three and against five, and then decide to vote.

Fortunately, I'm in the position where I'm able to say which ones I support and which ones I oppose, but most of my colleagues are not because time does not permit that. They're going to have a very difficult time, I'm sure, weighing up how to vote on this bill. I don't think the vote will mean that much for that reason.

Let me just give you my box score on the bill, Mr. Speaker.

I find that I'm for three clauses without much change. I support the two that deal with increasing access for the handicapped, which is certainly something that we must arrange. Some of the ways of arranging it have been mentioned by the other speakers. Also, I support the one about putting party labels on the ballot. In fact, I can't understand why the government has never done this in its 34 years in office. It must be ashamed of that Progressive Conservative label and afraid the voters might not vote for them if they saw the label there.

Those are the three clauses I would support without very much argument.

There are three other clauses I would support, but with some modifications perhaps of a minor nature. One is the one regarding proxies for handicapped persons. In principle it's good, but I wouldn't suggest a person can come into the polling booth and say: "John Jones out there who is on the list is handicapped and unable to come to the polls. I have his signature saying I can vote for him. I will sign a proxy for him and vote for him." The returning officer has no way of knowing whether John Jones has a bad cold or whether he is really physically disabled. I think we have to have some form of verification of the handicap otherwise we're just opening it wide to abuse.

The same applies to the question of blind voters. If you allow one person to vote for any number there is a danger that somebody

will come in representing all the residents, say of an institution for the blind and vote for them, when it should be a very personal matter between the blind person and a friend.

Then on the question of literature being in the polling booth or near it, there doesn't seem to be any real definition of what "near" means. That's something that would have to be changed. We certainly don't think there should be any literature in the polling booth, but whether it can be across the street from it or on the next lot is a question that must be defined.

My score so far is for three and for three more with modifications. The other two present even more problems.

The one about allowing urban voters to have the same rights as rural voters in establishing their qualifications when they have been omitted in error, is something which requires a great deal of further study. This apparent discrimination was definitely put in because conditions are very different in urban polls where people don't know each other as well and where there are much greater opportunities for abuse. We would have to look at all the possibilities and ways of avoiding any abuse before we could adopt or even endorse the principle of that particular clause.

Finally, on the question of British subjects, while I support the principle that citizenship should be the criteria, we also have to look at the need for a grandfather clause or some sort of provision whereby people who have been accustomed to having the franchise for years, who are British subjects and who have been here for a long time, should not be disenfranchised immediately or should not be disenfranchised at all if they have been here for a very long time. Our citizenship courts are very overloaded right now, especially since the number of years required in order to obtain citizenship has been dropped from five to three. We should not completely or automatically disenfranchise all British subjects who have been here for a considerable time, but we should notify new immigrants coming in that they will be required to obtain citizenship before they vote, regardless of where they come from.

So, Mr. Speaker, I am, as I say, schizophrenic on how to vote on this bill, because I'm for it and against it at the same time. I hope in future private members will not try and cover eight principles in one bill.

I also hope the government will take cognizance of the fact one should amend Election Acts as soon after the last election and as long before the next election as possible in order to give ample time for changes to

be known and to be debated. I hope we will see government legislation implementing some of these principles as soon as possible, giving us an opportunity to debate them more fully.

I also hope the government will look at the companion piece of legislation, the Election Finances Reform Act, and bring in long overdue amendments to that Act. I understand the Commission on Election Contributions and Expenses has recommended very substantial changes in that Act to this government several times and the government has never brought them in, which must indicate perhaps it isn't interested in seeing that bill improved. It's a new bill and it stands to reason it needs improvement after operating for the few years it had been in effect.

So, Mr. Speaker, I will have to ponder my schizophrenia between now and the vote as to how I am going to support this bill.

Mr. Deputy Speaker: The member for Durham East has about one minute.

Mr. Cureatz: Thank you, Mr. Speaker, and I must thank the hon. member for giving me such a long length of time to express my views on the member's bill.

Mr. McClellan: Fifty-nine seconds too much.

Mr. Cureatz: With a minute left, I won't have the opportunity of examining each section phrase by phrase. Let me say I am in partial support of Bill 116. There are a number of specific sections in the bill that do attract me, but there are a few other sections which do not attract me. Unfortunately, as was previously expressed, I cannot divide myself equally on all the sections and I am torn. What am I to do in this situation?

Mr. McClellan: Vote against it.

Mr. Conway: We hear you had quite an election down there on June 9; maybe that's why you are torn.

Mr. Cureatz: The electorate were torn too, I might add.

To highlight some aspects of the bill: The citizenship item certainly worries me in regard to retroactively or immediately cutting off those franchised; I hope that possibly a grandfather clause might be appropriate.

I do compliment the member in regard to the handicapped. In our present day society we have gone a long way in helping handicapped people to ordinary access to public buildings, libraries, museums and the like. Further access to polls, is complementary. The one major concern, though, is giving the Chief Election Officer—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Cureatz: —a very wide discretion in regard to access to polls. As the situation stands in the bill, unfortunately I will not be able to support it.

Mr. Deputy Speaker: That concludes the time for ballot item 17; it is deferred now until 5:50 p.m.

THE FAMILY BENEFITS AMENDMENT ACT

Mr. Martel moved second reading of Bill 54, An Act to amend the Family Benefits Act.

Mr. Conway: I wish to welcome back the hon. member for Sudbury East.

Mr. Martel: Thank you, it is nice to be back with this august body.

Mr. Conway: Do you want Uncle Paul here for this?

Mr. McClellan: Let the record show the yak is absent.

Mr. Martel: No, I'll try to restrain myself tonight.

The purpose of the bill is very simple; it is to remove references to the sex of the parent, so that either parent, be it the mother or the father of the child will be eligible to obtain benefits. It is really aimed at one particular bit of discrimination which presently exists against the father-led single-parent family.

I might say in over four years as critic of the Ministry of Community and Social Services, I have repeatedly made the effort to have this bit of discrimination removed. Over the years we simply got the answer that it's very complicated and very complex, and we had to study family law before we in fact could remove it. I have never been able to get anyone to take it beyond that and explain to me what all the complication is about.

In the final analysis, why the government, I believe, didn't want to bring in the bill was simply they felt too many men might stay home and they would have to support them, and that wasn't cricket. I think that's the only reason the government failed over the years to respond, despite telling us over and over again—as my friend the member for St. George (Mrs. Campbell) knows—that it was a very complex matter and we didn't understand it. No one ever told us what it was we didn't understand. I suspect the reason is the one I have just given.

The problem is a simple one. If a father, for any number of reasons, chooses to raise the children on his own, he cannot obtain financial assistance to raise the children properly as he sees fit. He might get short-term benefits in the form of general welfare for three months, but in fact he cannot get or

qualify for family benefits. Even that is a misnomer, because he can qualify if he raises enough Cain. I'll come back to that in a few moments.

Now if he chooses to raise the children for the following reasons: "Who is a single parent with a dependent child and who is a widow or a widower"—that is what we want in the Act now removing the discrimination that exists in the other Act; "Whose spouse has deserted the family for three months or more; whose spouse is a patient in a sanatorium, hospital or similar institution; whose spouse is in prison in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more; who is divorced from the parent of the dependent child and has not remarried; or a mother whose dependent child was born out of wedlock."

It seems to me it isn't just in the event of the death of the mother, but there are a whole series of reasons for which a father might attempt to qualify in order to raise his children as he sees fit. Yet as simple as that might be, this government has failed to move on it over the years.

It has been very interesting. A number of years ago I think there were seven orders in council passed. My colleague tells me the score is now eight. In each of those instances I guess what had to happen was the government said, "Well, special circumstances." The special circumstances, really, have been that if the fellow who was looking for benefits could raise enough Cain; if he could get members of the Legislature to speak out on his behalf; if he could get television coverage; if he appeared on the Ombudsman show; in any variety of ways he could qualify for benefits. It wasn't really the "special circumstances," in my opinion, that led to granting these benefits, but in fact the old Tory game. And that is what you do is you take those few who are raising Cain and you grant them the family benefit allowance by order in council. You silence them and don't endanger the thing by going beyond one case at a time. It limits the amount of pressure that might be exerted on the government. Over the years we have now managed to get eight fathers, I believe, to receive family benefits.

[5:00]

Hon. Mr. Norton: Twenty-five.

Mr. Martel: Twenty-five? My, we're really moving.

Mr. McClellan: Isn't that wonderful, 25. Lucky 25, big 25. What a generous minister.

Mr. Martel: I'm glad the minister corrects me. I appreciate being corrected and now know that there are 25 fathers who qualify—

Hon. J. A. Taylor: What do you want, to put every father on it?

Mr. Martel: —for family benefits under the Act; not really under the Act but who have special circumstances and qualified by order in council. It's interesting that we have one former ComSoc minister here and we also have the present minister; maybe they can tell us how complicated it is.

What really bothers me is that we talk about privacy for people to obtain those benefits but in the cases I've seen there has been less than privacy in order to obtain the benefits necessary to raise the children. They've really had to put themselves out on a limb.

I recall the famous Currie case, the gentleman from Penetang whose story appeared in the press. The question was raised in the Legislature and it went to the Ombudsman. Mr. Currie was attempting to look after the children. In fact there wasn't, in his opinion, anyone he felt he could trust with the children at that tender age, no one to raise the children in the manner he wanted. After the case got a great deal of flak and after all kinds of people got involved, the government knuckled to the pressure and it passed an order in council.

I ask members: What does that do, first to Mr. Currie; second to his children; and third to men as a whole who under certain circumstances are forced into a position where they must raise the children? Heaven forbid; I stayed home a couple of days to look after the kids and I want to tell you I was so glad to get out of the house it wasn't even funny.

I say that giving respect to the women who have made it their business to stay home and look after children. I sometimes wonder how they can stand the pressures when the fathers who stay home for two or three days are absolutely delighted to get out once the circumstances which have caused them to stay home have gone by. I just give the mothers credit. I give fathers credit who have chosen to look after their children because of the departure or the death of a spouse, I give credit to those men.

In our society we really don't look at it that way. The ministry's approach over the years has been just the opposite. They don't give them any credit. What we hear from back-benchers is that they're lazy and they don't want to go to work. That's nonsense. Some men have chosen to raise their children in the type of atmosphere they want.

There was a second case in 1974-75 and it too came to the Legislature. I don't want to mention this gentleman's name. He didn't want it raised then, I don't expect he wants it raised now. But he was attempting to educate himself, and his wife left him and went off to another country. He couldn't get her to come back. He ultimately had to drop out of school. He could have finished, and has since I understand, and is not only paying back to society—because he has a good job—far more than he received, but at the same time he has raised the children who were left with him when the wife departed.

The ministry had—I don't want to use the word but I will—a hooker in that one too. It said that because the wife had visiting rights, that he and she in fact had signed a separation agreement and therefore he wasn't eligible for benefits. Really, it was just any old thing you can hang your hat on by the Ministry of Community and Social Services to not give the head of a father-led family the benefits by which he could raise his children.

It seems to me to be really backward in this day and age. I think we should be encouraging more fathers, should the need arise, to look after their children, rather than put them in a type of foster situation. It's much more preferable, I think, that the father do the job—particularly in the formative years—rather than some outsider or a series of outsiders who might have to stay with the children while the father is working afternoons or if he's on shift work or working weekends. Very often, when the children should be with someone like the natural father, they are with a total stranger. I don't think that's proper. Surely the father should have the option. I don't think it is going to escalate. As I said earlier, most fathers are absolutely delighted after three or four days, to get away from having to look after three or four children.

I want to wind up, because I understand the minister is going to take part in this debate later on. I am waiting to hear what he has to say. I hope he is going to support the principle as I hope members from both sides of the House will support the principle. It is a very simple principle. It is simply to remove discrimination in yet another place in this ministry. I would prefer to see it come in holus-bolus and remove all of the discrimination in all of the Acts which pertain to people in the province, rather than do it piecemeal. In the final analysis it would make it a lot better if we did it that way. But I am hopeful that I will get the support necessary to give this bill second reading.

Mr. Deputy Speaker: Does the member wish to reserve any time?

Mr. Martel: Not really, Mr. Speaker.

Mr. Baetz: It is difficult to oppose the objectives of Bill 54. Good legislation should reflect the prevailing values of the society which it governs. It is almost trite to say that a predominant value, although admittedly still an emerging value in today's Canadian society, is that of equality of the sexes.

The Family Benefits Act, by excluding male heads of one-parent families, is outdated in that it reflects the values of a now bygone period and a lifestyle where men generally were the sole breadwinners of the family. The difficulty, of course, is to translate these desirable objectives into practical measures through Bill 54. I am sure the Minister of Community and Social Services (Mr. Norton) will be pointing to some of the administrative and practical difficulties, and I am sure he will also be referring to some of the financial implications. But financial expenditures, substantial as they might be, are by no means formidable in my view.

Although provincial expenditures would rise if heads of one-parent families were included under the provincial Family Benefits Act, the cost to municipalities would decline. This is because quite a number of these families now do receive, under special arrangements and in a somewhat hit-and-miss way, some short-term help from some municipalities under a shared cost municipal-provincial arrangement.

I think too, in estimating the net costs of Bill 54, we should take into consideration that expenditures are now being carried by the Children's Aid Societies which frequently must care for children where a father has been deserted or widowed and who simply cannot cope either financially or otherwise by himself.

The unit cost of keeping these children in care in a Children's Aid Society is likely to be higher than if the cost of that child were covered by a reformed Family Benefits Act.

I am also convinced that the new family support legislation under Bill 59, sponsored by the Ministry of the Attorney General, will keep costs down if fathers are to be included under the Family Benefits Act as Bill 54 proposes. The reason for my optimism is that under Bill 59 mothers who have deserted their husbands and dependent children in future, unlike today, can be ordered to help support financially their husbands and children if it can be proved that they can afford to do so. Because of the high rate of par-

ticipation by women in the labour force, many will be able to afford to do so.

No one can predict with 100 per cent accuracy how many deserted fathers with dependent children would, as a result of their inclusion in the Family Benefits Act, quit work and rely on the public Treasury for the support of themselves and their children. My own hunch is that very few do so, even if in many cases their payments from family benefits might be as high or even higher than income which they could earn through employment. We know there are thousands of families now, the so-called working poor, where this is the case.

To sum up, I am not only in philosophical agreement with the objectives of Bill 54 but I am also convinced that the financial implications would not be formidable. What does bother me very much however, is that once again we are dealing with a private member's bill which is clearly a money bill. This is the second time in as many weeks I have debated a private member's bill which is clearly a money bill.

Mr. McClellan: You never act on these things.

Mr. B. Newman: All bills are money bills.

Mr. Martel: It's not a money bill.

Mr. Baetz: Last week, if you will recall, we debated Bill 109 on special education which had vast financial implications. We keep dealing with private members' bills such as Bill 54 which are money bills, even though the opposition members know full well they are clearly inappropriate.

Mr. McClellan: Let the government bring in some bills then. They have been talking about this for five years.

Mr. Baetz: The fourth report of the Ontario Commission on the Legislature, September 1975, dealt at length with the role of private members and private members' bills and made a number of recommendations which have been accepted. That commission noted, and I quote:

"For a private member, two major constraints are in operation. He may not introduce any bill whose passage would result in the expenditure of public funds since, in the parliamentary system's view of responsible government, the ministry must retain control of the purse strings."

Mr. Bolan: That's the point. Responsible government.

Mr. Deputy Speaker: Order. Order, please. I think the member is straying from the bill.

Mr. Baetz: The report also noted a further constraint that has been placed on a private

member's bill by the convention or tradition which has developed in this Ontario Legislature and which precludes the taking of a vote during private members' hours. Because we are operating on the basis of that commission's recommendations, I wonder what we are doing debating Bill 54 or, for that matter, any other private members' bills with money implications. I wonder if it is to give opposition members a public platform to grandstand, or to recite sanctimoniously in this House, their deep sense of humanity and wisdom about all that is wrong with society in Ontario.

Mr. Roy: What do you think you're doing?

Mr. Baetz: When we on the government side support the objectives and principles enunciated, but then raise the practical financial questions which sometimes lead to our opposing the measure, we are angrily accused, as I was last week by the leader of the NDP, of the worst sort of double-talk and hypocrisy.

Mr. Bolan: You don't want to legislate; we have to do it through private members' bills.

Mr. McClellan: You got the patent on that.

Mr. Baetz: The old adage says, "Make me a fool once, shame on you. Make me a fool twice, shame on me."

Mr. Deputy Speaker: Order.

Mr. Roy: You are out of order.

Mr. Baetz: As much as I support the objectives of Bill 54, I will not allow myself to be tricked into what might appear to be double-talk.

Mr. Martel: That isn't what you told me last Friday.

Mr. Baetz: I will, therefore, oppose Bill 54 and will join those who will rise to veto it today. I am doing so not to hinder the objectives of Bill 54 but, on the contrary, to facilitate the earliest implementation of those objectives.

Mr. Kerrio: That's 35 years you've had. You've been at it 35 years.

Mr. Martel: He was supporting it on Friday.

Mr. McClellan: You're a Fascist.

Mr. Baetz: But the route to that goal, I suggest, is not the dead-end road which leads to the inevitable distinction of private members' measures with money implications. There are other ways to achieve implementation of Bill 54—

Mr. Martel: How?

Mr. Baetz: —which I could support and will support.

Mr. McClellan: What a sell-out you are.

Hon. J. A. Taylor: It doesn't cost anything. What are you worried about?

Mr. Baetz: One way, as I am sure the legislatively battle-scarred veteran from Sudbury East (Mr. Martel) knows, could be to introduce a resolution in this Legislature, because a resolution is not financially restrictive.

Again, to refresh our memories, I quote from the Ontario commission report:

"A member who wishes the House to consider an action with financial implications can circumvent the prohibition on money bills by introducing a resolution calling for House to endorse the action."

Alternatively, therefore, if the hon. member for Sudbury East wishes to pursue the objectives of Bill 54, he should introduce a resolution, which I would support, to refer the matter to a standing or select committee for study and report.

Mr. Martel: Oh, that's a red herring.

Mr. Kerrio: Weak argument.

Mr. Martel: Last Friday you were supporting it.

Mr. Baetz: Finally, another route—and the most appropriate one—would be for the government itself to introduce legislation amending the Family Benefits Act, which it should do, along the lines proposed in Bill 54. That would bring family benefits legislation into harmony with our new family law legislation and make it more consistent with this government's commitment to enshrine in our laws the principle of equality of the sexes.

By refusing to support Bill 54 in any way, shape or form, I hope to contribute to a decision we must take, that during the next session we will cut out this farce, the futile charade of debating private members' bills with money implications.

Mrs. Campbell: Mr. Speaker, after more than 35 years of neglect of this legislation—

Hon. J. A. Taylor: More than 39 years? You are only 39 today, it was said in the House.

Mrs. Campbell: All right, 39—however long it is.

Mr. McClellan: Bring back Louis P. Cecile. [5:15]

Mrs. Campbell: When we come to a statement which means we cannot introduce in any appropriate way—a resolution doesn't achieve what the member is suggesting—anything to try to shame this government into eliminating discrimination, perhaps we have to forgive the member. He hasn't been here long enough—

Mr. Baetz: I have read your report.

Mrs. Campbell: —to face the frustrations which we have faced in trying to measure up to the problems of discrimination.

Mr. Pope: Oh, yes. We're all frustrated.

Mrs. Campbell: Of course I endorse the principle of this bill. I endorse it fully because I have spent my lifetime fighting discrimination wherever I see it. When a person says to me there is discrimination but it would cost too much money to correct it—that's what the minister told me in the estimates—

Mr. Baetz: That's not what he said.

Mr. Martel: The hon. member for Ottawa West has found another red herring.

Mr. Roy: I didn't think he would come up with a phoney excuse like that.

Mrs. Campbell: —then it's time we stood up as opposition members to declare that we do not subscribe to that theory.

Mr. Martel: They whipped the hon. member for Ottawa West into shape, didn't they?

Mr. Samis: It didn't take long either.

Mr. Roy: The hon. member for Ottawa West won't get in the cabinet if he's going to buck the government.

Mrs. Campbell: Mr. Speaker, I have only one regret to express, and that is that the member for Sudbury East, who has fought vociferously indeed for this amendment, has neglected other areas of discrimination in this bill. I see now we are simply playing a game, because they're going to veto it. Let them also veto this one. Section 7(1) of the Family Benefits Act provides for disability allowances. That bill does not create discrimination. In the casual kind of way in which we deal with regulations under Acts, I submit the government has brought in a regulation that is illegal under the Act, because the regulation creates the discrimination. The regulation states that whereas a dependent male spouse may apply for disability pension, a dependent female spouse may not.

That is provided not in the Act, but by regulation. I'd like the member to realize this, because that is the sneakiest way to create discrimination I can possibly contemplate. I challenge that regulation and I trust the committee will take it under advisement and throw it out. I submit that you cannot provide for discrimination under a regulation when the section does not provide discrimination. Were it to go to committee, I suppose I could bring in a resolution. The Tories could then not veto it, but they could bury it, as they've buried every attempt we've made, certainly since I've been in this House.

I referred to the fact that this minister—and I understand; he's faltering, bumbling—hasn't taken over his ministry and he doesn't know what's going on in it. But in estimates when this came up he said he recognized this was an anomaly but it would cost too much money to give equality to the women under this bill.

Mr. Roy: Same excuse as the member for Ottawa West.

Mr. Martel: The member for Ottawa West should be ashamed of himself.

Mrs. Campbell: That is the minister's answer and all his protestations are not going to win a thing when the minister takes that position.

Mr. Roy: The member for Ottawa West is hiding behind a red herring.

Mrs. Campbell: Perhaps if we had a new and enlightened minister such as the member who has just spoken we might have more hope.

Mr. Roy: You're phoney.

Mr. Pope: What about the public accounts committee?

Mr. McClellan: Mr. Speaker, I am pleased to join this debate in support of Bill 54, which I had the honour to second.

I want to start by making some comments about the incredible performance of the member for Ottawa West. He was the director of the Canadian Council on Social Development and he came to this House with the reputation of that organization, the voice of social justice in this country attached to him.

Mr. Baetz: I still have the same commitment.

Mr. McClellan: But for two weeks in a row he has given us an apology for discrimination and injustice, which is a simple disgrace. It's totally inappropriate, and a complete sellout of everything he has professed to represent.

Hon. J. A. Taylor: Shame on you.

Mr. Roy: What caused the member for Ottawa West to change his mind since last Friday?

Mr. Baetz: I want us to reach an objective.

Mr. Martel: It got to him.

Mr. McClellan: I understand that on Friday the member for Ottawa West indicated support of this bill. So much for that.

Mr. Baetz: It is a dead-end approach. It leads to extinction.

Mr. Roy: As long as he is in the cabinet he's got to toe the line. You know that.

Mr. Baetz: That's the name of the game.

Mr. Martel: The member for Ottawa West should be ashamed of himself.

Mr. McClellan: The bill before us is not a money bill. What this bill does is eliminate discrimination and injustice which is outmoded and intolerable.

Mr. Martel: That's all.

Mr. McClellan: The member for Ottawa West chastises the opposition for bringing in a private member's bill. We've been fighting on this issue for at least six years. I've been the critic for two years. My colleague was the critic for four years prior to that. Each and every year we have demanded that this discrimination and injustice be eliminated by successive ministers. We stand here in 1977 and we're no farther ahead today than we were six years ago. And the member for Ottawa West has the gall to criticize the opposition for trying to bring about a remedy of this injustice and discrimination. That's simply intolerable.

Mr. Martel: By calling it a money bill.

Mr. McClellan: His job is to support this bill. We heard reference earlier this afternoon to the number of single-parent fathers who had been granted family benefits by order in council, by the benevolent paternalism of the Tory cabinet—a grand total of 25 in the province.

There are thousands and thousands of single-parent fathers in this province. Many of them are impoverished and many of them are on general welfare assistance, where they get second-class treatment and second-class benefits; they're subject to the harassment and whims of general welfare assistance administrators. They do not have the stability or security of obtaining an income so they can look after their children if they so choose. This bill would end that.

This bill would make it possible for single-parent fathers to receive a stable income in order to assume a child-care responsibility. They would still have to qualify, as all recipients would, under the legislation. There are 25 single-parent fathers and 45,000 single-parent mothers on family benefits in this province.

I want to point out something that may be a surprise to some of the members of this House. The Conservative government in the province of Alberta has already wiped out this double standard that's still in the Ontario legislation. In the province of Alberta benefits are paid by the province to single parents, regardless of sex, if they are supporting children. This is in the Conservative province of Alberta. I quote from the Deputy Minister of Social Development and Health in Alberta, Mr. David Stolee. He

says that in his province "a father is entitled to the same benefits as a mother." He doesn't know how many single male parents are receiving such benefits but he thinks it would be very few. He goes on to say:

"There are other cases where the single father is working and, because he earns low wages, the province supplements his income to help pay the cost of hiring homemakers."

It's too bad we still have such a reactionary government in this province. It's a shame they are unwilling to allow even this small amendment to be voted on; and if it were voted on, I have no doubt whatsoever that it would pass.

The time is right for this amendment. There is an understanding that the legislation operates unfairly and unjustly; that the legislation is forcing children into unnecessary institutional care; that the legislation forces single-parent fathers who have assumed responsibility for child care onto an unstable and inadequate form of income support, general welfare assistance; and that this small amendment would wipe away many of those inequities.

We are faced with something fairly sad if we are seeing the government reverting to the practice of guillotining private members' bills, as the member for Ottawa West suggested the government is prepared to do on this one. I think that would be a sordid performance and I hope it doesn't happen. I hope the Tories will have the courage and the decency to allow minority government to express itself and to allow the members of this House to decide on this matter and live by the results. That's what democracy is all about. It's not about the government vetoing legislation that removes discrimination.

Hon. Mr. Norton: Mr. Speaker, I wish to address some remarks to the bill that is before the House and I will try to keep them brief. I am sure it's a matter we could discuss far beyond the 10 minutes that is allocated to each of us.

First of all, I would like to make it very clear that I support the concern which I am sure motivates the hon. members who have moved and seconded this bill; that is, a commitment to the equality of our citizens before the law and the equality of access to the programs and benefits that are made available to the residents of the province of Ontario.

I recognize that in addition to the specific area of bias that has been addressed by this legislation, there are, as the hon. member for St. George has indicated, a number of other areas as well. It's at least worthy of note

that these biases are not restricted by any means—and I am not using this as an excuse—to the legislation of this province. In the last short while I have also consulted with other provinces, including Alberta—and I acknowledge what the hon. member has said about that province. But even in provinces where the legislation itself does not reflect the bias, if one looks at the practice, the application of that legislation in most provinces of this country unfortunately still reflects a bias of the type addressed by this legislation by imposing things like work availability tests and so on which are not applied equally to both spouses.

As I indicated to the hon. member for St. George and others during the course of the estimates when this matter was being discussed, I have directed a review of legislation within my ministry—

Mr. McClellan: You said that last year. You will be saying it next year and the year after that.

Hon. Mr. Norton: —with a view to singling out or bringing forward any instances of such discrimination or such bias that exist. I can assure the hon. members that is well underway under the co-ordination of our legal services branch.

[5:30]

I think it is also important to point out that our government in this province has clearly indicated its stance on the equality of the sexes, and that is evident from the pioneer work that is being done in the area of family law reform. That commitment continues and that commitment remains.

I also want to caution the hon. member for Sudbury East that his bill may not redress the concern that I believe he has. If the bill should pass second reading, I believe it would be imperative that it go to committee; there are a number of amendments that ought to be added to it to ensure that it does what he would hope it do. There are things like definitions which are inconsistent as a result of this amendment. There are a number of other things within the bill. I don't think this is the appropriate time to discuss them. There are other amendments that would have to be made to ensure that it accomplishes what he is suggesting.

Mr. Martel: I have no objections to all of that.

Mr. McClellan: That is all we are asking.

Hon. Mr. Norton: Although I share the concern—and I indicate now, as I have before, an intention to pursue this matter—I think we must also bear in mind that it is not

always possible to approach change on a wholesale basis. I share the desire for that; I share the same impulse that was expressed by the hon. member for Bellwoods (Mr. McClellan). I think there are times, when one is charged with this responsibility, that one must approach it from the point of view of establishing priorities. That is one of the things I would hope to do following the review of the legislation which is underway at the present time in the ministry.

Mr. McClellan: This is a tiny step. This is not wholesale change.

Hon. Mr. Norton: For example, I would suggest that there may be other areas, such as the one the hon. member for St. George (Mrs. Campbell) has cited.

Mr. McClellan: You are not dealing with that either.

Hon. Mr. Norton: In fact, if we have a limited amount of money with which to proceed at a given time, it may be a higher priority than this. I am not passing judgement on that at this point until I have had a chance to assess all of the areas in which change ought to be effected. But to approach it without establishing those kinds of priorities is something less than responsible, if we know there may well be a shortage of funds with which to effect all of the changes at the same time.

The other matter to which I would like briefly to address some remarks, reiterating that I do share this concern and it is my intention to pursue it, is my concern about the principle that was touched upon by my colleague with respect to the implications of bills—in this case, a private member's bill—which, although perhaps not technically a money bill in the sense that it specifically directs the raising or levying a tax—

Mr. Martel: It is not a money bill at all.

Mr. Kerrio: Then you can stand against any bill we put.

Hon. Mr. Norton: —it clearly calls upon the government to expend moneys—

Mr. Kerrio: Don't go through the hypocrisy of the private members' hour.

Hon. Mr. Norton: —to redirect or reallocate moneys whatever.

Mr. Martel: Ah, that's different.

Hon. Mr. Norton: That may be different, but if it is really being done responsibly, I would like the hon. member sponsoring this bill, on the assumption that the additional funds may not be available, to tell me from where they would effect the transfer.

Mr. Kerrio: Wintario.

Hon. Mr. Norton: Would they, for example, do it in the area of day care? Would they do it in the area of children's mental health? Or would they tighten the regulations upon single mothers?

Mr. McClellan: How about the funds in your ministry? How about the \$37 million you didn't spend in 1976-77?

Mr. Deputy Speaker: Order. The member for Bellwoods had a chance to speak previously.

Hon. Mr. Norton: The reason they haven't done that is they know clearly that would be a money bill. By avoiding that aspect of the responsibility, they are saying it's not really a money bill.

Mr. Martel: We can't play that game.

Hon. Mr. Norton: I want to make one thing very clear to my colleagues across the House. The task we have before us is sufficiently complex in terms of establishing priorities, in terms of trying to ensure the most effective allocation of the resources we have at our disposal, that I can say this: As long as I am charged with this responsibility, I will resist efforts to skew the priorities that we are working upon or that we have established.

Mr. McClellan: Horatio at the bridge.

Hon. Mr. Norton: There is an avenue open to the hon. member if he is not happy with those priorities or if he is not happy with the way in which I am attempting to approach these within my ministry.

Mrs. Campbell: Not when you muzzle debate on them.

Hon. Mr. Norton: The hon. member has only to introduce a motion of no confidence and support it. That avenue is open to him if he wants to change the priorities on this side of the House.

Mr. Martel: You have really gone to pot.

Mr. Gaunt: Stop posturing.

Mr. Cunningham: That is a silly statement.

Mr. Makarchuk: Who do you think you are, Mohammed Ali or something?

Hon. Mr. Norton: Otherwise, my friends opposite are trying to change the whole constitutional tradition of parliamentary democracy through the private members' legislation. They know that's not a legitimate way in which to do it.

Mr. Makarchuk: Throw down the gauntlet.

Mr. Martel: The minister can't even find the right section in that bill. There is not even a money section in the bill, and he knows it. He brings a red herring into it.

Hon. Mr. Norton: It is not a red herring. It is an essential element of responsibility and one that my friend is ignoring.

Mr. Makarchuk: What colour is it? It is a blue herring then?

Hon. Mr. Norton: If the member wants me to do these things, then let him tell me where we're going to get the funds and where we are going to reallocate.

Mr. Makarchuk: No matter what colour it is, it smells.

Hon. Mr. Norton: Let him stand up and tell the people of this province he is going to take money away from existing programs. Let him take that responsibility upon himself. It is a critical challenge he is facing.

Mr. Foulds: Did you ever think of expanding your revenues? Bring back the member for Prince Edward-Lennox (Mr. J. A. Taylor).

Mr. Deputy Speaker: The hon. minister has one minute.

Mr. Martel: He is not for real.

Hon. Mr. Norton: That responsibility, that same challenge, I would extend to the hon. member for St. George.

Mr. McClellan: Let the record show the minister is laughing.

Hon. Mr. Norton: It's one thing for her and the other member to stand up and abuse my colleague here. But it's quite another matter to abuse my colleague about his convictions and his commitment to the social concerns of the people of this province. I'm not going to stand for that either.

Mr. Foulds: Wipe that smile off your face, you young pup.

Mr. Martel: You don't have any convictions.

Hon. Mr. Norton: It's easy to be irresponsible, but let the member stand up and tell the people of this province precisely how he proposes that it be implemented and I will support it.

Mr. Foulds: What year?

Hon. Mr. Norton: Until then, I will continue to resist it. When I come in with my proposals as a result of the review I have implemented, I hope the member for Sudbury East and the member for St. George will have the good grace to support the efforts we will be making then to redress this particular problem.

Mr. Foulds: How long, O Lord, how long?

Mr. Martel: The member for Ottawa West (Mr. Baetz) was supporting it last week until they got to him. He sold his principles down the drain.

Mr. Kerrio: I rise to support this bill in principle. I don't have any problem or any question about the validity in placing this bill as such.

Hon. Mr. Norton: Obviously not.

Mr. Kerrio: I have one very grave concern; that is, that private members' hour has degenerated to what we see here. We've had some stonewalling and now we have a couple of hatchet men. I think that term is very able and well put in this particular instance. That's all it amounts to.

Mr. Mackenzie: He is not very good at it.

Mr. Kerrio: For the government members to have interpreted this as a money bill is really reaching in the sense that any bill put to this House could be interpreted at any time as a money bill.

Hon. Mr. Norton: What is \$5 million, eh?

Mr. Kerrio: We know it and the minister knows it.

Mr. Foulds: It costs money to print the damn thing.

Mr. Kerrio: If the government members don't want to stick to debating the principle of the bill, they should just say so. They shouldn't beat around the bush and attempt to twist the facts. I think the member for Ottawa West is still hurting, and very justifiably so, from the kinds of comments that were made by the leader of the third party on a bill of such significance that it would be very difficult to have anyone stand on the floor of this Legislature and oppose it.

Mr. Pope: Did you look at the bill at all? Do you know what you are talking about?

Mr. Kerrio: The government members are really reaching in order to bring the arguments forth that have been brought here today and in order to go against two bills for which they know very well the people of the province have waited for many years. They have told us we're going to have a resolution and they have put forward an argument that the only reason they can't support it is because it's a money bill.

Mr. Foulds: A specious argument.

Hon. Mr. Norton: There is an issue of priorities and things too.

Mr. Kerrio: Minority government certainly has wrought some wonders in this House. The government members had better learn to reassess the whole kind of concept they have about Tory government. Private members are elected from all parts of this great province. We stand and tell the government what the people need and what the people want. For government members to turn a very important and significant bill into arguing the merits of whether it is just a money bill instead of addressing themselves to what the bill is intended to do is surely abrogating their responsibility to the people who elected them.

If they are demanding how the people on this side of the House would find the funds to support this very able bill, we could tell every minister who sits on that side, one at a time, and in every one of their ministries, where we can bring out some of the money.

Mr. Pope: So it is a money bill.

Interjections..

Mr. Kerrio: They talk about priorities.

Hon. Mr. Norton: Tell us. Where?

Mr. Kerrio: The minister is asking where and I will tell him a place. The government gave a 15 per cent increase to the Arts Council of Ontario—\$1.5 million on a \$10-million budget. There's where they throw their money.

Mr. Foulds: The member goes too far. We have to have food for the soul and the mind as well.

Mr. Kerrio: There's \$1.5 million. I tell the government, with respect, it doesn't have priorities on that side. We could go right through that whole area over there and find the money if it's needed.

Hon. J. A. Taylor: The member doesn't know what he is saying.

Mr. Kerrio: I happen to think that the responsibility we are talking about is already taking place. We are talking about better management and acknowledging the fact that in some special cases the man would stay at home and look after the children. Are the government members suggesting to me now that we are not looking after them and that it is not costing anything? What we are suggesting is that to keep the family together is to do something meaningful on that side.

Don't tell us it is just a money bill. The government has had many years to do it and it hasn't done it. We are putting the pressure on the government now. They ask us where the money will come from. There is a great deal of money being put into very bad projects on that side. There's a lot of money that could be brought to bear.

Mr. Martel: Why doesn't the government sell Minaki Lodge?

Mr. Wildman: And Edwardsburgh.

Mr. Makarchuk: Sell the Cayuga town-site.

Mr. Kerrio: They know it and we know it. They are hatchet people. If that is the only kind of an argument they have, I feel very bad about what they are going to do when to apply themselves diligently to do something about the matter we are con-

cerned about. If that is all they are going to think about, then they are not going to do anything about it. We know that and they know that.

In conclusion, the bill is well put.

Mr. Walker: Well put where?

Mr. Kerrio: We all understand what the bill is about. I can't believe there is money needed of any consequence to talk about in putting this bill in place. If there are moneys needed, that government wastes more money in a short space of time than could be put to this very good use.

Interjections.

Mr. Kerrio: It's time they realize on that side they are going to be put to the test more and more as the realities of minority government become known to many of them on that side.

Hon. Mr. Henderson: Tomorrow is the member's chance. There is a vote tomorrow.

Mr. Martel: Another veto. He has already said it.

Hon. Mr. Welch: The member will have to wait and see.

Mr. Mackenzie: The member for Ottawa West wasn't very good on that last week. He was up and down like a top.

Ms. Bryden: Mr. Speaker, this bill is so long overdue it has whiskers. It must be at least four times that the member for Sudbury East has introduced it. It was in 1972 that the word "sex" was added to the Ontario Human Rights Code so that it now reads: "It is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, sex, marital status, nationality, ancestry or place of origin."

I do not see how the minister can stand up and admit he is willing to continue to be in contravention of the Ontario Human Rights Code by refusing to change the legislation.

Mr. Martel: Did the Minister of Community and Social Services hear that? Does he want me to send him a copy of that?

Mr. Mackenzie: It doesn't bother him in the least.

Ms. Bryden: I understand in the estimates committee the minister has said he has set up a committee to study what he calls the gender bias in the Act. I don't quite know why he is afraid of sex.

Mr. McClellan: What has he got against it?

Ms. Bryden: That is going to take a long time and it might be delayed because he may have to decide whether he can afford to bring justice into his legislation and to adhere to

the Ontario Human Rights Code. This is simply not acceptable. Surely we do not measure justice in terms of dollars. It is not a great expenditure we are talking about. It is an expenditure that will bring justice to a particular small segment of the community which is being discriminated against at present. That is the purpose of the bill.
[5:45]

When the minister suggests he is prepared to meet a want-of-confidence motion on this, he is suggesting that he is willing to spend \$25 million on an election, and yet he cannot spend a small amount of money to bring justice to single male parents.

Therefore, I would challenge the minister to stand up and vote for his principles to show that he is interested in changing this legislation. The question is, when?

Mr. Martel: Mr. Speaker, I have decided to take the last few minutes with your indulgence—

Mr. Speaker: If there are no other members who wish to speak, I will hear the hon. member for Sudbury East, who I understand did not reserve any time.

Mr. Martel: That's right. I apologize. You see, Mr. Speaker, what happened is my friend from Ottawa West came to me last Friday—

Hon. Mr. Norton: Don't abuse him any more. Address the principle of the bill.

Mr. Martel: —and he said: "This is such a good bill, I'm going to support it." But, in fact, someone has got to him since last Friday, because it is not a money bill.

Hon. Mr. Norton: Address the principle. Stop discussing personalities and convictions.

Mr. Martel: Mr. Speaker, the bill simply removes the discrimination against males. They will still have to go through the taking of an application as they do now for family benefits. We are not suggesting anywhere any type of favouritism. If they don't qualify under the terms of the Act as it exists, they will not obtain the benefits that they would have received if it had been a woman who applied.

Mr. Warner: Straight money bill.

Hon. Mr. Grossman: Resign.

Mr. Martel: Now the minister says to me, "Where will I get the money?"

Mr. Makarchuk: Sell Cayuga.

Mr. Martel: As the member for Ottawa West himself said, "If you take a child and put him in a foster parent home, the cost is much higher in the foster parent home than it would be if the child stayed with the natural father."

Mr. Makarchuk: The Tories never see the economics anyway.

Hon. Mr. Grossman: Knock it off.

Mr. Martel: If you have three children in their teens or much younger in a family setting, and they have to be removed and put in a foster home, the cost would run about \$425 to \$450. A single-parent father looking after three children on his own would not receive any more than that. I say to the minister that all of the prattle he made this afternoon is a determined effort not to grant to single-parent fathers the right to look after their children on their own.

Hon. Mr. Norton: That's not what I said at all. The hon. member is distorting what I said. What has he got to say about the hon. member for St. George, about her concerns?

Mr. Speaker: The hon. member has one minute.

Mr. Martel: For the government to come in here—and as the member from Ottawa said a few moments ago they're going to veto the bill; he gave it away. He was supporting it last week but they're going to veto it. I tell the House leader for the Conservative Party, for them to predetermine what they are going to do as a party with bills is certainly a destruction of the whole intent of the private members' hour. Poor Reuben shouldn't have told us that was what you were going to do, but he did. You are destroying the intent, Mr. Speaker, through you to the House leader, you're destroying the intent of the private members' hour.

Mr. Speaker: Order. Will the members take their seats.

Sufficient members having objected by rising, a vote was not taken on Bill 116.

Sufficient members having objected by rising, a vote was not taken on Bill 54.

Mr. Speaker: That discharges the order of business.

SELECT COMMITTEE ON THE OMBUDSMAN

Hon. Mr. Welch: Mr. Speaker, before the supper hour perhaps we could share some understanding with respect to the format of the discussion this evening on the 15th order.

It was felt advisable, and therefore we have attempted to respond in this way, that the ministers or their parliamentary assistants referred to in the report would in fact take the early part of the discussion in order to respond to the particular recommendations of the select committee making reference to them or their ministries.

So from a time point of view, the first hour, from 8:00 to 9:00, was to be divided equally between those cabinet ministers or their parliamentary assistants who would, in fact, be responding to the specific recommendations contained in the reports being considered by the House tonight.

Mr. Conway: Since you ruined the private members' hour, why should we give you a cabinet ministers' hour, you hypocrite.

Hon. J. A. Taylor: Withdraw, withdraw.

Mr. Van Horne: You ought to be ashamed.

Mr. Speaker: The member for Renfrew North doesn't have the floor.

Mr. Kerrio: Too bad.

Hon. Mr. Welch: The remaining time, from 9:00 to 10:30, would be divided equally among the caucuses to discuss the report, and they would have the advantages of the responses which the members of the cabinet had made earlier in that debate.

Mr. Bolan: You don't deserve it.

Mr. Kerrio: Give it to us again.

The House recessed at 5:52 p.m.

APPENDIX A

(See page 3016)

STANDING PUBLIC
ACCOUNTS COMMITTEE

Mr. Reid (Rainy River) from the standing public accounts committee presented the committee's report as follows:

Your committee held nine meetings during the fall session but due to time constraints was unable to give full consideration to several matters before it.

In particular your committee had intended to inquire into certain financial matters pertaining to Browndale Homes and had directed the Provincial Auditor to provide the necessary information for that purpose.

The Provincial Auditor reported, however, that all relevant documents were in the possession of either the Attorney General (Mr. McMurtry) or the Ontario Provincial Police and the matter was before the courts. Your committee was therefore unable to proceed.

It is hoped that this and other matters will be discussed by the committee in the next session.

Your committee, after review of documentation filed with the committee and a full discussion with the minister and officials of

the Ministry of Revenue, is of the opinion that the ministry did not fully ascertain all the pertinent facts before recommending the exemption from payment of the tax by Ronto Development Company under the Land Speculation Tax Act, 1974, and therefore recommends:

1. The ministry should establish minimum basic guidelines to be followed in all subsequent applications for exemption of the tax payable under the Land Speculation Tax Act, 1974;

2. The ministry should explore the legality of rescinding Ontario regulation 340/76 and if legally possible assess the tax payable on the sale of Brantford property by Ronto Development Company to George Wimpey (Canada) Limited.

Your committee further recommends:

That the Minister of Health (Mr. Timbrell) appoint suitable lay persons with financial backgrounds to be members of the inspection team of the Medical Review Committee as envisaged under section 43 of the Health Insurance Act; that these people deal only with the financial aspects and accounting procedures of the doctors.

APPENDIX B

(See page 3022)

Answers to written questions were tabled as follows:

68. **Mr. Nixon**—Inquiry of the ministry: For the purposes of the municipal and provincial Elections Act, what countries are included as the homelands of British subjects? [Tabled December 9, 1977]

Answer by the Treasurer and Minister of Economics and Intergovernmental Affairs (Mr. McKeough):

For the purpose of municipal elections, Canada aside, the following are considered to be homelands of British subjects:

United Kingdom (England, Northern Ireland, Scotland, Wales and the borough of Berwick-upon-Tweed), Australia, Republic of Botswana, Bangladesh, Cyprus, Ghana, Republic of India, Republic of Kenya, Malawi, Malta GC, Nauru, Nigeria, Sierra Leone, Tanzania, Uganda,

Bahamas, British Honduras, Brunei, Christmas Island, Fiji and Pitcairn Islands, Gibraltar, Leeward Islands, Papua and New Guinea, St. Helena and Ascension Islands, Swaziland, Western Pacific High Commission Territory, Eire (Republic of Ireland), Channel Islands, Isle of Man,

Barbados, Gambia, Guyana, Jamaica, Lesotho, Malaysia, Mauritius, New Zealand, Pakistan, Republic of Singapore, Sri Lanka (Ceylon), Trinidad and Tobago, Republic of Zambia,

Bermuda, British Virgin Islands, the Cayman Islands, Cocos (Keeling) Island, Falkland Islands, Hong Kong, Norfolk Islands, Seychelles, Tonga, Turks and Caicos Islands, Windward Islands.

This list was developed in 1971 through consultation with federal officials of the citi-

zenship branch and with the British High Commission. The list is used for reference only.

For the purpose of provincial elections the following are considered to be homelands of British subjects:

Australia, Bangladesh (Peoples Republic of), Bahamas (the), Barbados, Bermuda, Botswana, Ceylon, Cyprus, Eire (Republic of Ireland) Fiji, Gambia (the), Ghana, Guyana, Hong Kong, India, Jamaica, Kenya,

Lesotho, Malawi, Malaya, (Federation of), Malaysia, Malta (Colony of), Mauritius, New Zealand, Nigeria (Federation of), Nyasaland (Federation of, and Rhodesia), Pakistan, Rhodesia (Federation of, and Nyasaland), Sierra Leone, Singapore (State of), South Africa (Republic of), Southern Rhodesia, Swaziland, Tanganyika, Tanzania (United Republic of), Trinidad and Tobago, Uganda, United Kingdom (including Northern Ireland), Western Samoa, Zambia.

The above list was compiled as of March 1975 from information provided by federal officials in the citizenship branch. Citizens of these countries are deemed to have the status of British subject for the purposes of the Canadian Citizenship Act.

69. **Mr. Ziemba**—Inquiry of the ministry: Will the Minister of Revenue table all relevant information on RWI Holdings Limited regarding any exemptions from land transfer tax [Tabled December 12, 1977.]

Answer by the Minister of Revenue (Mrs. Scrivener):

With reference to the member's question, no such exemption has been granted.

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Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 15, 1977

The House resumed at 8 p.m.

REPORT OF THE SELECT COMMITTEE ON THE OMBUDSMAN

Mr. Speaker: We are dealing with the third report of the select committee on the Ombudsman. It's my understanding the first hour will be shared by cabinet ministers who wish to engage in the debate. I recognize the hon. Minister of Labour.

(Applause)

Hon. M. Stephenson: Oh, come on, fellows, we really don't need that.

As the minister through whom the Workmen's Compensation Board reports to the Legislature, it is my privilege to present this evening the responses of the board to the recommendations made by the select committee on the Ombudsman, based upon his second and third report. Since many of the recommendations contained in the third report were duplications of those in the second report, I think it advisable that I include both of the reports in my remarks.

In the second report, the select committee made several recommendations which I shall outline to you briefly, Mr. Speaker. The first recommendation made was that the Legislature require the Workmen's Compensation Board to print the board's pamphlet entitled "Information about the Appeals Procedure," in the same five languages as its claims information booklet. I'm pleased to say that the board has prepared this booklet which describes the appeals procedures in five languages. A copy of this booklet has been filed with the committee by the board and a new five-language pamphlet has also been prepared to describe the revised appeals system, which I think is important in so far as some later recommendations are concerned.

The next recommendation made by the select committee's review of the Ombudsman's report required that the board prepare a separate booklet or information circular in the same five languages to be forwarded to all claimants at the time they receive the form H(1) letter, which is the letter notifying a claimant that his claim has been received and is being processed. The committee felt the receipt at that time of a booklet containing

a description of the board's appeal process would inform the claimant more fully about his rights under workmen's compensation. That pamphlet has been prepared. It outlines in five languages the entire process of the claims procedure, including appeals, but the board has some concern about the recommendation that this booklet be distributed along with the form H(1).

In an added response to the recommendations the board revised the form H(1) letter, which indeed was a pretty cold document originally. The new one is a great deal warmer in tone, more informal and, I think, much more informative, not only on the face of the letter but on the obverse, in which the procedures to be followed in the establishment of a claim are outlined completely, albeit in English only. The booklet, however, has not been sent out routinely with this form letter because the board felt it might have a distressing psychological effect on the individual workman who is being notified, perhaps for the first time in dealings with the Workmen's Compensation Board, that his claim has been received and is being processed, but who is also being told how to appeal whatever decision has been made when no decision has been made.

The board feels it would be much better to release that booklet more widely and more generally to those individuals for whom there is a fairly long procedure as far as a claim is concerned or where there may be an appeal process. That booklet, however, is ready and it is in the five languages as requested.

The committee recommended as well that the booklet or information circulars should contain a clear and obvious statement that if the claimant does not understand any matter of the process or the procedure, he or she should communicate with identified individuals within the board itself. I am very pleased that the revised pamphlet in the five languages does give the claimant that kind of specific information about the claims counselling service which is available at the board. It also includes the specific phone numbers of the workmen's advisers, of the registrar of appeals, and it includes the registrar's phone number as well.

The next recommendation which was made by the committee related to its policy regard-

ing disclosure of its file to a claimant personally, with a view to amending the policy of complete and full disclosure to the claimant. This policy has been reviewed previously, and is at the present time being reviewed by the Workmen's Compensation Board. It is of such import that the board has sought outside legal opinion on the potential effect of such disclosure.

The main problem with such disclosure is that if the claimant were to see the file, the rules of natural justice which govern all administrative tribunals such as the workmen's compensation appeal process would demand that all other parties to the claim, such as the employer, could be given full access to the file as well. Therefore, the issue of disclosure probably transcends the individual information problem and becomes one of disclosure of very sensitive medical information particularly in the area of psychological evaluations, which frequently must be made in the event of terminal illness situations, and having that information revealed to third parties.

The board has advised the select committee on the effect of such disclosure and has, at the same time, taken steps to ensure there is full discussion of the potential effects of such disclosure with the relevant health associations, physicians' groups and others including the Health Disciplines Board. At the present time, meetings are being held between the board and such groups in order to discuss in particular the impact on the quality and the substance of the medical reports which might be provided if their contents were routinely to be made freely available not only to the patient, but also, through natural justice, to third parties.

The Health Disciplines Act gives the patient the right to demand information from his or her physician and that right, of course, should be exercised. But the information is released at the doctor's discretion and the doctor present can interpret or assist the patient in the understanding of those reports. The board's strong feeling is that the decision to disclose full medical information to a claimant should be the decision of the physician involved rather than a decision for the Workmen's Compensation Board to make.

I might mention that there has been a fair amount of representation from organized labour to the Workmen's Compensation Board opposing the concept of full disclosure of the file. Organized labour apparently feels the present summaries that the board produces are really adequate and they are very concerned about the possibility of employer access to those files if the claimant is given such access.

However, the board is again examining in depth, its position on the granting of access to files to qualified representatives and to bona fide representatives and others. It will be making its recommendations known to this House through the minister who represents the board in this House.

Further recommendations made by the select committee were those related to the development of discussions for the purpose of arriving at mutually satisfactory working relationships between the Workmen's Compensation Board and the Ombudsman and to making available Workmen's Compensation Board documents and individuals for the purpose of providing information relating to any matter which is being investigated by the Ombudsman.

It pleases me to report to this House that the Workmen's Compensation Board and the Ombudsman have worked out such a procedure. They have, through agreement, adopted a mechanism and an arrangement whereby the information required by the Ombudsman and those individuals the Ombudsman feels would be most appropriate to the provision of such information, will in fact work together in a reasonably happy arrangement to solve the problems which arise.

In the third report of the Ombudsman, and in the select committee's recommendations based upon that report, there was further recommendation regarding the information circular I mentioned earlier. This was expanded in the third report, as a matter of fact, to suggest the multilingual booklet giving the comprehensive description be distributed to all claimants immediately. I suggested before, the board had some reservations about this.

On second sober thought about that booklet, further reservations were added to the board's position. They discovered the cost of such wide distribution of that booklet. Since there is probably something in the order of 150,000 to 170,000 claimants per year, and the cost of producing the booklet in five languages, I can tell you, is approximately \$50,000 for 100,000 copies, it is obvious this is not going to be an inexpensive kind of activity.

The board is, as I said, deliberating about the most appropriate way in which to distribute this booklet which it feels is important for the purpose of those individuals who eventually may have to appeal a board decision.

The board is also considering whether indeed, if it accepts fully the recommendation

which I have just mentioned, it should cease and desist from the distribution of its booklet entitled "Claims Information for Employers and Employees." I guess when the decision is made about the distribution process for the previously mentioned booklet, the decision will follow about these claims information booklets as well.

At the present time, the board is attempting to consider the next recommendation of the select committee, which required that the board complete as quickly as possible its review of the policy regarding disclosure of files to the claimants. I have outlined earlier the concerns the board has expressed. Those concerns remain. Some of the information collected as a result of their discussions with other groups serves to substantiate the kinds of apprehensions which were mentioned by board members in their discussion of this subject.

Another recommendation of the select committee was that the board consider and report regarding the appropriateness of the amended appeal system, and report whether it would serve to satisfy the substance of the objectives intended by the board study group, that is, the one-level system which was recommended.

The board will certainly consider and report to the select committee on whether the revised appeal system will satisfy those objectives. The study did recommend the adoption of a one-level appeal system. Of course, the board has rejected that on the basis of their own deliberations, as well as on the basis of strong representation, primarily by organized labour. Organized labour felt a one-level appeal system was totally inadequate for the purposes of claimants to the Workmen's Compensation Board. As you know, a revised system has been developed, but it is a two-tier system.

A further recommendation is that the board, in conjunction with the Ministry of Labour, cause an amendment to be tabled in the Legislature to the Workmen's Compensation Act, specifically authorizing the board to recover or write off, as the case may be, overpayments made to workmen. At the present time, the board is considering this. When it has deliberated, it will be discussed with the Ministry of Labour. I would have to report at this time, the board is of the opinion it does have the power to recover overpayments. I believe the select committee agrees with this belief of the board.

The board also believes it has the power to write off overpayments, and I believe the select committee disagrees with that belief of the board. However, the board is on record

as not opposing an amendment to the Workmen's Compensation Act in order to ensure that for purposes of clarification it would be amended to ensure that they have the right to that write-off procedure. That will be discussed in the not-too-distant future.

[8:15]

The final recommendation of the select committee was to the effect that changes in procedures for the recovery of overpayments should be made and that those procedures should contain provisions wherein the particular circumstances of the workmen be considered in the arrangements for repayment of moneys, so that the repayment can be tailored to the specific workman's particular ability to repay. I'm pleased to report the board has already changed its procedure for recovery of overpayments and that such changes were effected immediately after the select committee hearings.

Mr. McClellan: Could you detail those changes?

Hon. B. Stephenson: The new procedures are tailored to the ability of the individual recipient of overpayment to repay the board as recommended by the committee. If this is required in detail, I shall most certainly have the details prepared, ready for the members of the Legislature.

There were two subsequent recommendations made by the select committee and they were directed specifically to two decisions made by the Workmen's Compensation Board in reference to complaints 135 and 136 of the Ombudsman's report. In both instances, the board was requested to reconsider the decisions under section 75 of the Act. The board is doing that in both cases. I am pleased that the board has complied, I think almost totally, with the recommendations made by the select committee on the Ombudsman's report and it pleases me very much to be able to state so in this Legislature.

Mr. Warner: The committee certainly cleaned up that mess. It actually made that board human.

Mr. Kennedy: In the absence of the Minister of Education (Mr. Wells) I am pleased to join in this discussion this evening. There was a complaint of an injured child contained in both the second and third recommendations of the Ombudsman's report. The second report on pages 562 and 563 gives details of it. A child at school had lost parts of three fingers and badly damaged a fourth.

The complainant was aware there was no negligence on behalf of the board. Unfor-

tunately, the policy that is provided on a voluntary basis and made available to all students was not in place and so this coverage did not exist in this instance. This was the basis of the complaint. It was subsequently referred to in the third report of the Ombudsman as a follow-up. That's the background of this one report that involves the Ministry of Education.

The Ombudsman suggested the ministry meet with the insurance industry and discuss the possibility of expanded insurance. I'm not quite sure what was meant by this, whether it meant a form of universality, paid for through taxpayers' money through public funding, or an expansion of existing policies to provide for broader coverage. Certainly I don't support the concept of another intrusion into the public sector for the funding of such coverage.

Mr. Makarchuk: Don't be so hung up about it.

Mr. Kennedy: It is announced each fall or prior to the start of the school year that this coverage is available in three types of policies. One is just during school hours, one is a portal-to-portal situation, and the third is all-encompassing coverage. This is available.

The specific recommendation of the Ombudsman as stated on page 57 of the third report suggested that "a policy be considered that would provide very substantial accident benefits on a lump sum basis, reasonably consistent with the kind of award that might be given by a court."

They also recommended that the Ministry of Education pursue discussions with the insurance industry and other interested parties for the purpose of developing an appropriate indemnity insurance contract at a realistic premium which would adequately compensate a pupil for injuries sustained in the case of an accident as a result of participation in shop classes or organized athletic activities. This was taken up with the industry and the result was as we could forecast. There would be a significant cost either to the public Treasury or to the parents taking out the policy. In addition, this would not limit the right of parents to claim against the board of education through litigation.

In fact, a case such as this did occur in our Peel board, where there was an accident and the parents of the child sued the board for negligence because, as I understand the evidence, the child fell on a mat in the gymnasium and was injured. The child was covered and there is OHIP and medical coverage as well, but they went to court

alleging negligence against the board and were awarded a sum of \$64,000. This at the moment is under appeal. The board denies negligence, saying the equipment was of a standard approved, and this type of thing. Perhaps I'm slightly in the area of sub judice but the fact the award was made and is under appeal is, of course, public knowledge.

If this is an effort to move toward socialistic measures of insurance coverage I am certainly opposed to it. The private sector is doing a good job in this area.

Mr. Lawlor: Of suing the people.

Mr. Kennedy: No, they are not.

Mr. Lawlor: Yes, they are.

Mr. Kennedy: They are doing a good job in this area.

Mr. Lawlor: Yes, they are.

Mr. Kennedy: There is a good relationship with boards of education. One of the things which happened as a result of these discussions is—

Mr. Lawlor: Except for those horrendous premiums.

Mr. Kennedy: —that they can re-examine this and determine if they want to go on broader coverage. But there is no way we want to go along with what you fellows would suggest and have everybody looked after out of the public purse because this is totally unrealistic.

Mr. Lawlor: You said that before.

Mr. Makarchuk: It's a ripoff.

Mr. Warner: We don't expect you to be progressive.

Mr. Germa: You are living on the public purse, what's wrong with that?

Mr. Kennedy: Another point, Mr. Speaker, I would like to make—

Mr. Germa: You are living on the public purse yourself.

Mr. Kennedy: The incident from which this complaint arose was an issue between a board of education and parents. It's doubtful to me whether it's within the area—

Mr. McClellan: They have colleges for ripoffs.

Mr. Kennedy: —of the Ombudsman's jurisdiction. As I understand it, though he can make recommendations to government in I presume many areas, this incident was between an insurance company and the parents of children.

Mr. Makarchuk: Just because it's a grey area is no reason why we shouldn't try to solve it.

Mr. Kennedy: It is not very grey. The case is very, very clear. There was no insurance coverage other than the medical and hospital expenses and so on being paid. There was no coverage.

Mr. Warner: You just send the insurance companies, go right ahead.

Mr. Kennedy: What I do suggest, Mr. Minister, is if in some board areas there is logic or reason to beef up or increase the awareness of parents and guardians of the availability of this coverage, this should be pursued. This is the response to this incident which was very unfortunate, and could impair the child's future earning power.

Mr. Lawlor: That isn't much of a response. You talk about \$64,000 in one breath and you talk about the exorbitant premiums in the other.

Mr. Kennedy: That's right. We know what court awards are likely to be and the suggestion here is that coverage be provided reasonably consistent with the kind of award that might be given by a court. This is a bit unrealistic. We should ensure that each parent or guardian knows what is available. The insurance companies should re-examine this to see if people or parents would be interested in broader coverage.

Mr. McClellan: You should take a lesson from the Minister of Labour and co-operate.

Mr. Baetz: Mr. Speaker, in the absence of the Attorney General (Mr. McMurtry)—

Mr. McClellan: He's never here.

Mr. Baetz:—I rise tonight to speak to those portions of the select committee's report that concern the Ministry of the Attorney General. Only two of the committee's recommendations made reference to this ministry—

Mr. Lawlor: Two too many.

Mr. Baetz:—and our response will therefore be relatively brief.

[Applause]

I like to hear that. Thank you.

Ms. Gigantes: You have to come from Ottawa to know what "relatively" means for Reuben.

Mr. Warner: You have to do something Reuben, earn your extra five grand.

Mr. Speaker: I hope the interjections are equally brief.

Mr. Baetz: Thank you, Mr. Speaker. Thank you for your support.

Mr. Makarchuk: Here comes a \$5,000 speech.

Mr. Baetz: Are you listening with your ears or your mouths?

Mr. Warner: Both. Which are you talking with? Would you stop talking with your feet.

Mr. Baetz: Mouths, okay.

Mr. Makarchuk: Oh, you hit home, Reuben.

Mr. Baetz: The first recommendation was set out on page 89 of the report and it proposed: "The Ombudsman and his office define more precisely appealable decisions from governmental organizations, provide as many examples thereof as possible from the experience of the office to date to the Ministry of the Attorney General and thereafter conduct meetings with the Ministry of the Attorney General."

The Ombudsman had recommended on page eight of his second report that the government should study cases where an appeal is permitted from a decision of a government organization, to ensure citizens are properly informed of their appeal rights. He suggested that legislation should be introduced requiring government organizations that make appealable decisions to inform citizens of those rights of appeal.

Although this idea may be seen by all of us as a laudable one, the select committee felt the recommendation was premature, because it presented certain difficulties.

Mr. Roy: That's typical Tory. It's "premature" if it's difficult.

Mr. Baetz: Very practical and to the point. Not pie in the sky. Get down to the nitty-gritty.

Mr. Makarchuk: What word would you use if you didn't have "premature"? No wonder Roy isn't here.

Mr. Elgie: Menopausal, that's what it would be.

Mr. Baetz: Roy's okay. He's a good man. For example, in some cases it may be difficult to decide what is an appealable decision.

Mr. Makarchuk: If it's got skin it's got to be appealable.

Mr. Baetz: I am sure members opposite could immediately define that. Was the Ombudsman's recommendation intended to cover decisions of organizations governed by the Statutory Powers Procedure Act? The select committee asked the Ombudsman's office to define the recommendations more precisely.

At the select committee hearings, the Deputy Attorney General expressed his willingness to co-operate with the Office of the Ombudsman on this matter. Once the Ombudsman has developed his recommendations and provided further examples from his office's experience, the Ministry of the Attorney General stands prepared to meet

with the Ombudsman to discuss thoroughly this proposal.

Mr. Lawlor: In other words, we don't know what is appealable and what isn't.

Mr. Baetz: We have finished with that. We are going on to the second point. You are a little bit behind here.

Mr. Makarchuk: You can't slough it off like that. Don't you know?

[8:30]

Mr. Baetz: You can read it in Hansard tomorrow.

The second recommendation of the select committee's report concerned the suspension of licences for non-payment of fines. Recommendation 14 reads as follows: "That the Ministry of the Attorney General effect a centralized scheme whereby licences that have been suspended for the non-payment of fines may be immediately reinstated upon the payment of those fines."

Mr. Kerrio: Is the hatchet man at it again?

Mr. Baetz: An interministerial committee has now recommended specific policy and systems changes designed to facilitate the speedy reinstatement of licences suspended for non-payment of fines. That is Progressive Conservative action.

Some hon. members: Boo.

Mr. Bradley: The member wasn't even a Tory until the election.

Mr. Baetz: The member had better check that one out.

Mr. Bradley: We know. A closet Tory, then.

Mr. Conway: He read Marion Dewar's speeches.

Mr. Deputy Speaker: Order.

Mr. Kerrio: Mr. Speaker, you shouldn't have to buy that kind of stuff—I won't say it; you play it with dice anyway.

Mr. Baetz: An implementation plan has been formulated for the development of a central control and collection of fines unit within the Ministry of the Attorney General. This plan envisages the automation of files at the unit and the capacity in the unit for access directly to the automated drivers' licence registration system at the Ministry of Transportation and Communications.

Mr. Kerrio: Does the Minister of Correctional Services believe that?

Hon. Mr. Drea: Yes, I designed it.

Mr. Baetz: That again is progress. As soon as the requisite policy approvals have been received, the implementation plan will be put into motion.

Mr. Makarchuk: Is that the new economic policy?

Mr. Baetz: It will be a complex exercise.

Mr. Lawlor: Terribly complex.

Mr. Baetz: Maybe some members opposite would never be able to cope with a complex exercise.

Mr. Lawlor: Perfectly right, too complex.

Mr. Baetz: It will be complex, calling for a high degree of interministerial co-operation.

Mr. Warner: We're used to dealing with simple things like the member.

Mr. Baetz: The end result will be the removal of existing major impediments to speed reinstatement.

Mr. Makarchuk: As opposed to speedy reinsertment.

Mr. Baetz: That's progress.

Mr. Lawlor: A pox on progress. Is this sometime in the future?

Mr. Baetz: No.

Mr. Kerrio: In the fullness of time.

Mr. Warner: You move swiftly like a herd of running turtles.

Mr. Deputy Speaker: Order. The member for Ottawa West has the floor. Would he please disregard the interjections?

Mr. Baetz: We hasten with people in diligent steps.

Mr. Kerrio: He didn't make any more sense the last time he had the floor.

Mr. Baetz: The Attorney General has said he hopes to be in the House later, but in his absence he wanted me to say—

Mr. Kerrio: Merry Christmas and a happy new year.

Mr. Baetz: —how much he has enjoyed the excellent relationship with the Ombudsman's office and his staff. He looks forward to a continuing good relationship in the interests of the public as a whole. He wishes everyone a Merry Christmas and all a good night.

Mr. Kerrio: We finally concur.

Mr. Deputy Speaker: Order. The hon. member for Durham West.

Mr. Bradley: The minister of municipal affairs.

Mr. Conway: How can the Treasurer (Mr. McKeough) top this?

Mr. Ashe: I rise to speak on behalf of one recommendation contained in the third report of the committee. It is known as recommendation 34. It is relatively brief and I would like to read it. It recommends: "The

Audit Act and the Financial Administration Act be amended to provide that when the Ombudsman, after all necessary and appropriate requirements of the Ombudsman Act have been adhered to, makes a recommendation to a governmental organization for the payment of a sum of money in the absence of any other express legal authority, and when the recommendation is entirely accepted by the governmental organization, a 'lawful authority' is created for such money to be paid by the governmental organization out of the consolidated revenue fund."

We're very surprised that kind of a recommendation would come from an elected committee of this Legislature. As we perceive this recommendation, what would be happening is there would be an authority between two bodies that have no input or approval of this elected body or representatives on behalf of this elected body to pay out sums of money. We really feel there was a possible misunderstanding of what this recommendation was intending to do.

It would really go beyond and away from the established machinery. The elected representatives vote sums of money for particular purposes and the Treasurer of Ontario who, of course, has control over the consolidated revenue fund, makes disbursements. He reports back to this Legislature on those disbursements, and all of the control over these disbursements is directly and indirectly controlled by this elected body.

Mr. Kerrio: Hardly anyone has control over the consolidated revenue fund.

Mr. Ashe: Because you're not involved in the approval process and you want to move away from your elected duties.

Mr. Kerrio: What concerns me is the gallon of red ink you use.

Mr. Ashe: That's your problem.

Mr. Deputy Speaker: Order, order.

Mr. Ashe: I would suggest most members of this elected body are very involved in the process and the expenditures of funds.

Mr. Kerrio: To spend the way you do, you'd have to have a lot of people involved.

An hon. member: Including Idi Amin.

Mr. Kerrio: How could anybody do it on their own?

Mr. Ashe: We have to have a lot of people involved, because we handle the taxpayers' funds so excellently.

Mr. Sweeney: You mean you've got a lot of shovels over there. Even the Girl Guides don't believe you.

Mr. Haggerty: The hon. member for Durham West should get serious.

Mr. Cunningham: Is this the Treasurer's night to play badminton?

Mr. Deputy Speaker: Order, order.

Mr. Ashe: There is no doubt at all there was also reference within this particular recommendation related to the mechanism to create this lawful authority where, in fact, let's say the minister, on behalf of this elected body, does not concur with the settlement that may have been reached between the ministry and the Ombudsman.

Mr. McClellan: Read the recommendation.

Mr. Ashe: What this recommendation would say is that without any approval whatsoever, a sum of money from the consolidated revenue fund could be disbursed and, in fact, there would be no action or reaction on behalf of any elected person.

Mr. McClellan: That's a complete distortion of the recommendation.

Mr. Ashe: I don't think that's really what was intended, but that's exactly what it says.

Mr. McClellan: Read what it says.

Mr. Ashe: That's exactly what it says.

Mr. McClellan: No, you can't read.

Mr. Ashe: If you can't read it, I can. It does say if there is concurrence on both sides between a ministry and the Ombudsman, that authority would be deemed to have been approved to pay over moneys that may be involved. That does not say an elected person, in the case of the ministry, a minister, or the Treasurer on behalf of the consolidated revenue fund, would have any approval and, hence, recourse to this Legislature.

Mr. McClellan: There's nothing about the minister there.

Mr. Ashe: There is no doubt that in the legislation that set up the operation of the Ombudsman, it was recognized there should be a procedure through the elected body.

If you recall, within section 22(4) of the Act, it is speaking to the fact that if it is felt on behalf of the Ombudsman a satisfactory and prompt reaction is not forthcoming from a particular ministry, there should be recourse through the Premier (Mr. Davis) and, in turn, if not satisfactory, through the Legislature itself. Obviously, the supreme beings in this regard are to be through the elected bodies.

Mr. Sweeney: Supreme being? Who's claiming that? Who's claiming they are supreme beings?

Mr. Ashe: I am speaking of this body right here, Mr. Speaker.

Mr. Warner: He picked that up in Pickering in the same place as the Attorney General.

Mr. Sweeney: It was suggested but never claimed before.

Mr. Ashe: I might even point out that the select committee itself has recognized that the Ombudsman's office has, from time to time, not taken the recourse through the Premier's office. As a matter of fact, on page 36 and 37 of its report, the select committee did somewhat chastise the Ombudsman for not taking that due process recognized within the authority establishing the Ombudsman's operation.

Mr. Kerrio: The Ombudsman's taking a page out of the government's book by operating just the way you are.

Mr. Ashe: We are responsible back to the elected body and to the people who elect us. It is quite obvious the people of Ontario recognize their expenditures are in good hands, have been for a long time, and will continue to be so.

Mr. Kerrio: No they don't. You're not responsible.

Mr. Deputy Speaker: Order, please. Would the member for Niagara Falls constrain himself and would the member for Durham West address his remarks to the Chair and ignore the interjections?

Mr. Kerrio: It's easier said than done.

Mr. Ashe: Thank you, Mr. Speaker, I am always one to try to keep to the subject but it's very difficult, when one keeps getting some of those interjections from across the way, not to react and give the truth from this side.

In summary, I would suggest to this House that on behalf of the Treasurer, as far as this recommendation 34 goes, we totally reject it. It is completely at odds with the parliamentary principle that money is only appropriated upon the recommendation of a minister and the Crown and with the concurrence, either before or after the fact, of this elected Legislature. On that basis, there is no doubt that another procedure within the existing legislation can be worked out and recognized that where a financial settlement has been agreed to by a ministry and the Ombudsman's office, normal appropriations through Management Board or through a presentation of cabinet can effect that particular agreement and no amendment should be enacted to the Audit Act or to the Financial Administration Act.

Mr. Deputy Speaker: The hon. member for St. Andrew-St. Patrick.

Mr. Cunningham: Tell it like it is, Larry.

Hon. Mr. Grossman: I always do. I always do. Mr. Speaker, I have a few hundred thousand words to say on the general topic tonight—

Mr. Sweeney: You usually do.

Mr. Mackenzie: Why don't you try something new?

Hon. Mr. Grossman: —but I have chosen to restrict myself to the comments made in the second and third reports of the select committee on the Ombudsman with regard to my ministry. Those reports raised issues of concern to my ministry and I want to inform the House of the action taken to date on these recommendations and to assure the hon. members of the House of the continued concern of my ministry.

At various times, the ministry has made its position clear on the issues raised. I would like to summarize the commitments we have made to the recommendations outlined in both the recent third report and the earlier second report of the committee which I was pleased to sign, I might add.

One major set of recommendations concerns changes to the Vital Statistics Act. My ministry has indicated it will proceed with amendments to the Act to allow for sex designation changes and also to allow parents the choice of order for hyphenated surnames for their children.

Mr. Kerrio: You will never catch up, Larry.

Hon. Mr. Grossman: Be careful what you are saying tonight. You will be sorry tomorrow. We feel this flexibility will deal with the concerns raised by the report and will assist individuals in having the records they desire.

Mr. Conway: Your tie is louder than your voice.

Hon. Mr. Grossman: You will be sorry for what you said this afternoon.

A second area of recommendation concerns the provision of seven-year waiting periods for retention of credit information. Although we agree with the Ombudsman that the hardship was not sufficiently evident to change the Government Reporting Act, we will watch this matter carefully to ascertain whether or not this will prove to be a growing problem. We have made the commitment if it becomes a significant hardship, we will study the provision of the seven year waiting period with a view to adjusting it.

The final area of recommendation concerning this ministry relates to the safety of chil-

dren in apartment buildings. The Ontario fire code advisory committee in addition to its regular duties, is looking into all aspects in this area that fall outside the national fire code and the Ontario Building Code, which came into effect at the start of 1976. The ministry has asked the committee to develop recommendations for mandatory installation of devices for buildings built before January 1, 1976. Until this committee's recommendations are submitted early next year, this ministry supports the encouragement to municipalities by the very fine Minister of Housing (Mr. Rhodes) to utilize their existing powers of authority to require the safety devices.

In all of the above areas, the ministry is adapting its policies and legislation to help meet the needs of the people concerned and will continue its monitoring role.

Mr. Kerrio: Great stuff, Larry. Where did you get that?

Mr. Deputy Speaker: The hon. member for Scarborough Centre.

Mr. Warner: At least this minister wants cheaper coffee, even if his buddy doesn't.

Mr. Eakins: Tell us about the \$10 million, Frank.

Mr. Deputy Speaker: The member for Scarborough Centre has the floor.

Hon. Mr. Drea: In fairness, don't ask me, because it's now up to 12.

An hon. member: Frank for leader.

An hon. member: I think you might pay off that deficit at \$1 million a month.

[8:45]

Hon. Mr. Drea: Mr. Speaker, in the response of the Ministry of Correctional Services to the report of the committee, I would like to point out there were only two recommendations, and, quite frankly, were one to read the report of the committee, both of the recommendations were about 90 per cent solved by the time the report was written, and that is noted on earlier pages.

To be specific about them, one is concerned with the temporary absence program, or TAP, and the second concerns the internal discipline that occurs after there is disruptive behaviour. In the case of the latter, that has been absolutely resolved. In the case of the former it has been absolutely resolved as well. However, as I have frequently said, this is a ministry not like other ministries, because we do operate under the parameters of federal legislation.

Mr. Roy: And you're a minister like no other minister.

Hon. Mr. Drea: You're absolutely right.

Mr. Conway: He read the Catholic Register like the rest of us.

Hon. Mr. Drea: I would find it extremely amusing if a number of people on my side of the House were reading the Catholic Register as weekend material.

Mr. Conway: How many votes do you think that's worth? The centrefold in the Catholic Register?

Hon. Mr. Drea: It wasn't the centrefold, it was the front page. You see, there's always an area where a dumb reporter can make good.

Mr. Conway: You must shine in that cabinet.

Hon. Mr. Drea: Mr. Speaker, just before I go on, last night in the—

Mr. Deputy Speaker: I would like to remind the member that we are discussing the report.

Mr. Warner: Give him leeway, Mr. Speaker.

Hon. Mr. Drea: Mr. Speaker, I have already told the House, through you, that both matters have been resolved absolutely. However, I want to go on. I want to anticipate what next year's report probably will have to contain because I have instituted new programs.

Those new programs, quite frankly, reflect upon the efficacy of recommendation 21, which is the temporary absence program. The introduction of the work inmate program is going to put new pressures upon the office of the Ombudsman. Until now within the system, the inmate was confined, the inmate was in an institution, the inmate, whatever the grievance, real or imagined, was in a location and a structure whereby the grievance could be examined impartially within the fullness of time.

With the fact that I have introduced the road gang to Ontario, many inmates are going to be in a position where they are out of the institution, in small groups, with one correctional officer.

Mr. Kerrio: You better put strings on the inmates.

Hon. Mr. Drea: That is going to put new strains upon my ministry because, quite frankly, it means that when we come down to a complaint or a grievance that is filed with the Office of the Ombudsman, it is going to be much more difficult for the Office of the Ombudsman to cope and to make an impartial evaluation as to the efficacy of that particular grievance. That is why I point out that the temporary absence program is not one where you have 10 firm guidelines.

The success of the temporary absence program in this province, as compared to the

relative lack of success in other jurisdictions, is because the control of the decision concerning the TAP is left with the local institution, the superintendent and the on-line correctional officer.

As there are different areas in the province, there are different attitudes and there are different resources available in differing areas of the province. We intend to have as flexible a program as is possible within the limitations—and the very proper limitations—the public puts upon us. The most basic of those is the protection of the public.

Therefore, it becomes exceedingly difficult as a ministry which is obligated, unlike other ministries—and I emphasize that—to respond publicly to the Office of the Ombudsman. Because there is a similar institution in the parallel jurisdiction, which is that of the federal government, and it is very clear within the Penitentiaries Act, which is a federal piece of legislation—

Mr. Roy: You're right there, Frank.

Hon. Mr. Drea: —that the reports must be within that jurisdiction made public. Unfortunately, their jurisdiction extends—

Mr. Conway: Blistering analysis.

Hon. Mr. Drea: —into ours because at the local jail level you certainly have alleged federal parole violators, who are being held while a hearing is being had as to what their ultimate disposition will be. You have other federal prisoners such as deportation holds, again, awaiting a determination by the proper authorities. You also have federal prisoners who are being boarded with us. I have about 35 of them in our system. They're there for a reason.

Mr. Bradley: In your caucus.

Hon. Mr. Drea: They are going to testify in criminal proceedings against other inmates in the federal institution where they were committed.

Mr. Sweeney: That's terrible.

Mr. McClellan: Put the back-benchers in the chamber.

Hon. Mr. Drea: The reason we have them in the Ontario system—and being paid for entirely by the federal government—is for the protection of the individual—

Mr. McClellan: What's this got to do with the report?

Hon. Mr. Drea: —so that the court hearing will be able to go on by virtue of the fact that there is a witness alive and willing to testify as to what went on.

Mr. McClellan: Is this in order, Mr. Speaker?

Hon. Mr. Drea: Really, I don't mind interjections, but when I want to talk about a very serious matter that affects a great number of people, and their rights as Canadian citizens, I don't really think that I have to put up—

Mr. McClellan: Make a ministerial statement.

Hon. Mr. Drea: —with the rather strong abuse—

Mr. McClellan: No, you don't.

Mr. Roy: Abuse?

Hon. Mr. Drea: —of certain commodities that are available for sale in this province. I would just like to continue uninterrupted for a moment, while I make the point.

Mr. Conway: You'd better explain that last part.

Mr. Sweeney: What commodities?

Mr. Roy: I apologize, Frank. I'm sorry. He doesn't have to put up with such—

Hon. Mr. Drea: The difficulty in responding in this situation, in an absolute manner, is that we have to take into account within our ministry, the flexibilities and the impositions that are imposed upon us from other institutions, or other jurisdictions, and from places over which we have no control. It may be that the bench—over which we have no control—may very well impose a stricture, as a part of a sentence, that a temporary absence will not be granted.

Mr. Deans: They can't do anything about that, can they?

Hon. Mr. Drea: The bench takes the convenient way out that it is only a recommendation, even if the five-letter word "order" is used. That makes it extremely difficult for us, because people only pass into our custody and our control, at the direction of the bench. It makes it exceedingly difficult in terms of a temporary absence to have to deal with it.

Mr. Roy: You could change the law.

Hon. Mr. Drea: As I said, the difficulty—and really the comparison between ourselves and the federal institutions—is that we, fortunately, are flexible in the TAP because it is locally controlled by the superintendent in the particular institution upon the recommendations, or the lack of recommendations, by the on-line staff.

In the federal jurisdiction it has become so rigid that it is virtually automatic, you either get it or you don't after a certain period of time. This has led to the gravest of difficulties within that system. It has led to complaints by the public that it is too rigid a procedure,

that it is being followed by rote regardless of the individual or the special circumstances surrounding the inmate, the institution or the particular community where the inmate will go on a temporary absence program.

With the introduction of the mandatory work programs for sentenced inmates, which again come to this ministry beyond our control, the federal government has chosen to change the Penitentiaries Act. There is no more statutory remission. It is now earned remission.

There is going to be, and quite rightfully so, a concern as to who decides just how productive the inmate has been at his work, just how rightfully the achievements or the productivity of that work program have been recognized by the parole board. We are dealing with a very fundamental issue in this because it is remission. That means the door is opened earlier for some than for others.

Certainly in our society the ultimate penalty, indeed, is the loss of freedom. The restoration of freedom, therefore, becomes the greatest incentive of all. What I am saying to you, in essence—and I am reminding the committees of the future, perhaps I am forewarning them—is that as long as we had a structured institutional ministry, determinations on such things as temporary absence programs and other concerns of inmates and staff and the public were relatively easy to determine, to put through the legislative model that has been established for the Office of the Ombudsman.

But with the full support of this Legislature and with the full support of the public we are moving into different areas. It is going to be difficult to assess. The time factor is not with us because I deal with short-sentenced inmates. We are not dealing with the 25-year man. We are not dealing with the four-times-life for four-times-murder man. There are decisions that are going to have to be made almost overnight. They are going to have to be made on the basis of the information available, quite rightfully. If there is a complaint it is going to have to be judged by the Office of the Ombudsman and forwarded to the ministry and ultimately to the Legislature, and it, too, is going to have to be done almost overnight on the basis of the information available.

What I have been trying to point out, Mr. Speaker, is that I can give a guarantee under recommendation 21 on page 94 that within the existing structure—and that is all I can speak for at the moment—this concern of the Office of the Ombudsman has been met and settled absolutely and finally. But what I am also saying, Mr. Speaker—and I am also

warning the Legislature, the future committees, and indeed, the Office of the Ombudsman—with the new change in structure we are going to have to develop new models, new evaluation procedures, and that what is absolute today because the structure is in place today will not be absolute tomorrow. The structure very simply, after the first quarter of next year—by the fact that the laws have been changed, and not by me, and not by this Legislature, but by the House of Commons—this whole structure will have been changed.

It has always been my policy that the Office of the Ombudsman is extremely essential to the one ministry that does have direct, absolute and total control over human behaviour far more than anyone else. I welcome their comments. I welcome their positions before the committee. I also welcome, at any time, the concerns of the committee of the Legislature because without it there cannot be any public participation, any public protection in an extremely sensitive field concerned with human beings, and that is correctional services.

[9:00]

Mr. G. I. Miller: It gives me great pleasure to rise tonight and speak on behalf of one of the members of the select committee on the Ombudsman, which was selected last July 20. When the committee was struck, I thought it was an insignificant committee and that it perhaps would be a dull summer. It proved otherwise, and has come to be very controversial, to say the least.

It has been an experience, in my short political career, to be part of this committee. We have many good members, such as our chairman, Michael Davison, and Marg Campbell, John Eakins, Robert Elgie, Patrick Lawlor—he took the place of Jim Renwick whom we certainly hated to see resign because of health conditions; he was a valuable member—Ross McClellan, myself, George Taylor, John Turner, and Ossie Villeneuve. It has been a good committee to work with, and it has been a real experience. John Bell was counsel for the committee. He, along with our clerk, Alex McFedries, has done a tremendous job.

I would like first to point out that we had a report to the standing general government committee, and at that point I was a little disappointed in our chairman. He gave a report which in my opinion, was not representative of the feeling of the committee as a whole. I would like to put that on record at this time. Any chairman of a committee should represent the feelings of the committee as a whole. He presented figures to

the committee that we did not have access to, and he presented his view. But he didn't present the views of the committee as a whole. I am concerned with that, because I think he indicated we were split. I don't know if we were split or not; I don't think we were.

We were concerned with the expenditures of the Ombudsman. We were concerned they were escalating to a degree we should show some concern about. Consequently, we felt recommendations should go in to this effect: he was dealing with problems not within his jurisdiction. With all due respect to the Ombudsman, he indicated he was going to use and give advice wherever possible.

I respect the Ombudsman. I respect what he is trying to do. I respect his staff. I have volume three—"Details of expenditures for 1976-77 for Ontario." It gives all the staff wages for every ministry. When you look closely at it you see the wages paid to each individual on the Ombudsman's staff don't compare with any other ministry. I want to make very clear that, for the calibre of people he has to provide, he is not overpaying his staff. I would like to come to his support in that he is trying to do a job. He is dealing with highly paid staff who are very professional. I would like to make this point clear in the very beginning.

We went over the report very thoroughly. We spent many weeks debating it. But the Ombudsman's select committee really does not have any authority. We can make recommendations to the House but that is as far as it can go. I would like to think, and I know we recommend strongly, that the Ombudsman should be separate from the political aspect. He should have the right to operate without political interference. He was set up to assure the average citizen he had some place to go to get justice.

There's nothing wrong with the principle. When the Ombudsman was selected, he was supported by all three parties because it was felt he was needed. In my humble opinion, he was needed because we've had a Conservative government for 35 years.

Mr. Van Home: That's 36 too many.

Mr. G. I. Miller: No, I will give them credit. They've done a good job over the years, although I would question that fact during the last X number of years. It's important that we make the democratic system work in Ontario, to get a government that's responsible to the needs of Ontario.

Mr. Bradley: This must be your Christmas generosity.

Mr. G. I. Miller: In the last election on

June 9, the Liberal Party had the philosophy, but the people of Ontario weren't ready to accept us or trust our philosophy. Consequently—maybe that's getting a little political and I don't really want to do that.

Ms. Gigantes: Heaven forbid.

Mr. G. I. Miller: I'm ready here to put forward my views as a member of that select committee on the Ombudsman. I want to speak on his behalf because we've had the opportunity to look closely at his operation, although we've only been in operation since July, not even six months.

Mr. Bradley: You're being watched, Gordon. You'd better be careful.

Mr. G. I. Miller: Okay, I'm being watched. But I still want to be responsible to my people in my riding of Haldimand-Norfolk along with the rest of the people in Ontario, and it's a serious concern, in my opinion.

As far as my use of the Ombudsman is concerned, I have had to utilize him in my riding of Haldimand-Norfolk on a major occasion, perhaps one of the most expensive. It had to do with the Ministry of Natural Resources. The fishermen in my riding, particularly Port Dover and Port Maitland, but perhaps all the fishermen on the lake were concerned they weren't being used fairly. They'd been to the ministry and in their opinion they weren't able to get a fair decision.

Consequently, they went to the Ombudsman and he not only dealt with my area, he also dealt with the ones of my colleague, the member for Essex South (Mr. Mancini) at the other end of the lake because he had concerns. He came back to us with a report, which in my opinion, could affect the industry as a whole; it could affect the harvest of that lake for many years to come. He came back with a detailed report, with some recommendations that are going to affect the future of that fishing industry for many years. I thank him for that.

When he got into that, of course, he didn't realize what it was going to cost. He had no idea. It cost more than he anticipated because the Ombudsman has only just been set up. This is his third report and he hasn't been in operation three years. It's difficult to come up with a budget. There's no one in this House more concerned with the expenditure of funds than I am because we have to be responsible to the taxpayer. We have to be responsible to the people of Ontario. We want to have value for our money.

Another instance was the Pickering housing situation. We had many people who weren't satisfied with the settlements they received. They came to the Ombudsman for help and

consequently, investigated it and went to the Minister of Housing. They haven't come up with a solution yet, because I don't think the Minister of Housing really wants to come to a final solution.

It's important that we have an answer, because when North Pickering is dealt with, we have another problem in South Cayuga, which happens to be in my riding where people are dissatisfied with the purchase of that property. They would like to have a hearing and he is dealing with that situation. Until he gets the Pickering problem resolved, how can he go on and resolve the problem in South Cayuga for the people concerned there?

Again, it points out very clearly to me: how can you estimate the cost? How can you estimate what it is? If the minister doesn't want to co-operate, you can prolong the hearing. It all costs money. So how can you project and budget?

I think that's where the Ombudsman's committee can come up with a recommendation. Again, it should be set up in such a way that it's as non-political as possible, particularly with the minority government. It can be set up that way. With a majority government, of course, it's going to be more difficult. That is a problem we have to find a solution for so we can keep the political aspect out of his function as much as possible.

Again, I think concern was pointed out in the standing general government committee. We had a hostile debate. I don't know where all the television and media people came from that morning but they certainly cropped up. They must have sensed something was going to develop because there was a real discussion. I think, again, our chairman supported it as he had every right to do, because he is elected as well as I am. He had a right to project what he felt was right but he was expressing his own concerns. They weren't mine.

I indicated to the Ombudsman that Arthur Maloney is capable of taking care of himself. He had to answer to the criticism. I think he's capable of doing that. Hopefully, he's clever enough, and he's a very clever man. I think he's clever enough to sense that maybe he is overspending.

There was an article in the Toronto Star on Sunday, December 11, if I'm not mistaken, which was very critical of his function. He did go first class. But criticism does not hurt anyone and if he is functioning properly, he will react to the press. They can influence and, hopefully, the Ombudsman will take into consideration what we are trying to say, and what the public is trying to say. He will take those expenditures

into account so we are assured, and the people of Ontario are assured, our money is being spent wisely and well and justice might prevail, as far as the average individual is concerned.

Mr. Bradley: You're going to be assured of a job if you ever leave the Legislature, if you keep up those compliments.

Mr. G. I. Miller: As I said, I don't know where my friend, the hon. member for Brantford (Mr. Makarchuk) is tonight. He indicated to me one night, when I had a chance to speak and there weren't many in the House, I only spoke about the fishermen. I might look a little sleepy, but I'll say I'm here to represent the people of my riding. I'm here to represent the people of Ontario, to the best of my ability and I intend to do that.

Mr. Conway: Do you mean you're not going to talk about the yachtsmen?

Mr. Germa: It put me to sleep the last time he spoke.

Mr. G. I. Miller: I know we only have a certain amount of time and there are nine or 10 members on the committee. They all want to speak tonight, and I want to give them that opportunity.

I want to leave with these thoughts. I think the Ombudsman is effective. I think he is especially well talented for the job but he has to listen to the people.

Mr. Davison: Mr. Speaker, I would rise to offer, if I might, some small contribution to the debate as chairman of the select committee on the Ombudsman.

The House has before it what I consider to be a most excellent report from its select committee. I think the report before the House stands as evidence of the desire of all parties in this House to make the office of the Ombudsman work as well as it possibly can for the benefit of all the people in Ontario.

I think the report of the select committee shows what men and women of this House, with goodwill, can do. Sixteen of the recommendations of the 42 referenced in this third report of the select committee addressed themselves specifically to the Ombudsman's office. They are, I believe, strong, sound and constructive suggestions to the Office of the Ombudsman, which if implemented by the Ombudsman will serve to improve the service he gives to the people of the province of Ontario. A number of the recommendations were addressed to the various ministries of this government and tonight we heard responses from a number of those ministers.

[9:15]

I would suggest to the ministers and parliamentary assistants who participated in the debate this evening that if they could expand somewhat on their replies in a written fashion and give them to the committee, it would help the committee a great deal in its future deliberations. I would also suggest that replies are especially needed from the ministries that were unable to, or did not, respond tonight, particularly the Ministry of Government Services, the Ministry of Health and the Ministry of Housing. I think those would be invaluable reports to the committee.

In regard to the parliamentary assistant to the Minister of Education and his comments, I would remind him in connection with the question of jurisdiction that he may find it of some interest to consider the implications of recommendation 36 of the select committee report which refer to the position of the ministry on a question of jurisdiction. It might be a useful thing in the future for your ministry to bring up jurisdictional questions earlier in the process.

Mr. Kennedy: Page 36?

Mr. Davison: No, recommendation number 36 in the select committee's report. I think you will find it interesting.

In regard to the parliamentary assistant to the Treasurer, who has since left the House, what the select committee was trying to do was to facilitate natural justice and to provide some sort of legislative rationale for a process of payment. In response to his criticism or answer to the committee, I would say to him, with the greatest of respect, that the minister is, in fact, the person of the ministry and the minister has the kind of authority we have talked about.

In regard to the Ministry of Consumer and Commercial Relations, I hope the minister, when he responded favourably to recommendation number 18, understood the committee's concern about the proposed legislation and the possible consequences of creating a third category of people in the province. When he responded favourably, I hope he responded with that in mind.

Hon. Mr. Grossman: Have we ever let you down before?

Mr. Davison: In response to the Minister of Correctional Services (Mr. Drea), I very much appreciated his response to the committee in regard to the temporary absence program.

There was another recommendation of some concern to the committee, and that was recommendation number three which dealt with the Ombudsman's Correctional

Services report. I guess because the minister didn't raise that recommendation with us tonight, it might not be unfair for me to assume that in keeping with his earlier statements on the issue, he will indeed make the report public as soon as he receives it and, therefore, it can come before the committee.

I would like to thank the Minister of Labour (B. Stephenson) most sincerely for her response to the nine recommendations of the committee in regard to the Workmen's Compensation Board. It seems there's still work for the committee to do in convincing the minister of some of them; but on the whole I think the minister made a fair response, and I believe that some of those recommendations, when they are adopted, will provide for injured workers in the province of Ontario a better service from a more sensitive Workmen's Compensation Board.

The select committee's first recommendation, to which the government has not responded tonight, concerned North Pickering, as my colleague the member for Haldimand-Norfolk (Mr. G. I. Miller) pointed out. It is a situation that concerned the members of the committee deeply, as I think it concerns all of us in this House.

The select committee put forward this recommendation as the only viable alternative we could see that would provide all the parties involved with some justice. We believe the present commission looking into North Pickering, simply because of the events of the past year, cannot possibly write a substantive report that will be of any real assistance to the House or to the government in solving this problem; we therefore have made this recommendation. I would, as a personal note, urge the government to respond, and to respond favourably and quickly, on that recommendation, so we can get on with North Pickering.

Six of the committee's recommendations dealt with the question of the management study. It is a study, I believe as an individual, that is badly needed for the Ombudsman's office. I think members should recall the board did, in fact, ask the select committee to look into this and make some appropriate recommendations; this the committee did.

I think it was unfortunate in the extreme that the board went ahead and made its decision without having the benefit of the committee's recommendations, because I believe the recommendations are well thought out. I would urge the board to reconsider the question of the management

study from the point of view of the six recommendations of the select committee.

The select committee also recommended that its orders of reference be expanded. It had two recommendations. One would allow the committee to sit concurrently with the Legislature. Because of the ever-increasing workload of the committee, and because of the extended and longer sessions of the Legislature, it is more and more difficult for the committee to find time to deal with this important task before us.

The second was the estimates of the Ombudsman be transferred to the select committee on the Ombudsman, and that the select committee on the Ombudsman have the authority to make recommendations in regard to those estimates. While that may not be a perfect solution to all of our problems, I think it will go some distance in solving the kind of problems, those that perceive at any rate, with the current process for handling the estimates of the Ombudsman.

I must say that it was an honour and a privilege to table this report for consideration in the Legislature. I would like to associate myself with the comments of my colleague the member for Haldimand-Norfolk in regard to the other members of the committee and the staff of the committee for all of the hard work they did. I would like to thank all of the people who played a role in making this report the fine report it is.

Finally, the recommendations and comments in this report speak to real issues, issues that have substance. I am very pleased I had the opportunity this evening to participate in a debate which could perhaps bring substantial change to the way things operate in Ontario.

Mr. G. Taylor: I would like to concur with my colleagues on the other side of the House who have suggested this is a fine report and that we have worked many hours in producing it; that we have.

Mr. Peterson: The hon. member for Fort William (Mr. Hennessy) can stop banging his head on the desk; it will hurt the desk. Don't bang your head on it.

Mr. Conway: I thought for a moment there was a television camera spying on the hon. member for Fort William.

Mr. G. Taylor: It is unfortunate we do not have a longer time to debate this subject which is such a controversial one. We have now had two reports from the Ombudsman and three from the select committee. It is unfortunate we do not have longer than two and a half hours to discuss and debate the

issues contained in the reports; to put this matter on at the nadir of this session is unfortunate scheduling.

However, I compliment the House leaders that we did at least get two and a half hours of this Legislature's time to discuss it. Possibly, it could be of prime concern to the House leaders, come the spring session, that this be given further time for discussion.

The Ombudsman has made this office second to none in the world inside of two years. He has done a fine job, and his staff is an excellent staff. We were able to associate with them and hear from them during the select committee's duration. The one area that has perplexed me is the area of jurisdiction. Over 64 per cent of the complaints the Ombudsman's staff deal with are outside their jurisdiction. The Ombudsman himself is looking for increased jurisdiction. He bases his theory on the fact that these areas need to be served. In the debates in the House when the Office of the Ombudsman was set up, it was said he should not leave anybody unserved and that he will guide and work for those people until he is guided otherwise by this Legislature. He is asking this Legislature for assistance.

Mr. Kerrio: Give him a couple more years and he'll have enough staff to serve everybody in Quebec too.

Mr. G. Taylor: He is looking at such areas as municipalities, universities, in some respect private individuals, the courts, the judges, the federal government and bodies financed wholly or partly by provincial funds. That would be an enormous increase of jurisdiction; it would give this Legislature a great deal of concern to give him that jurisdiction.

Mr. Peterson: Why not just give him a blank cheque?

Mr. G. Taylor: What I found throughout many of the cases we studied was that because of the lack of guidelines for the Ombudsman he would try to interpret the statute as best he could and would also exercise discretion and expand his jurisdiction at the most opportune times.

Take the situation of the Correctional Services institutions. That was probably the largest single area in which the Ombudsman worked. It started out with a few trivial complaints and some very serious complaints, but it has developed into a full-scale study of the Correctional Services system of the province of Ontario. If one extends the definitions in the Act and gives it broad definition, one might be able to extend it to that full latitude, however I do not believe when the office was set up in this Legislature that on

his own motion, arising out of a few complaints, the whole Correctional Services system should be studied.

Again, on the South Cayuga land assembly, which will appear in the report; he wanted to embark there on a very large-scale investigation. Many pieces of correspondence went between the Ombudsman and the Premier (Mr. Davis) and other people concerned and it was decided he would follow the normal manner of investigation. That is the one complication with this present Act, has he followed the normal manner?

There is a prescribed statute, the Ombudsman Act, which is a code, in a sense, on the way he should be conducting his office. Similarly, if he's investigating the government there are certain prescribed rules, regulations and administrative policies that he must follow. If he is going to investigate them, he and his staff in the Office of the Ombudsman must also follow the prescribed code set out in the statute creating that office. Recommendation 24 of the select committee is asking for increased jurisdiction and there is to be a further study on that as to whether there should be increased jurisdiction.

I will take a few more examples from the report. The parliamentary assistant has commented upon case 47 involving the Ministry of Education. It was a situation where the local board of education had an insurance problem. The Ombudsman could not investigate it because it was outside his jurisdiction, it was a local board situation. However, having been sent a letter by the person saying he was not covered by insurance, the minister dealt with it, therefore making it a provincial matter and extending the jurisdiction to cover an area which was not covered directly. Again, indirectly he had a jurisdiction where he did not have it directly.

Then there was the Ministry of Housing, case 81. The Ontario Home Renewal Program, administered by the province, gave jurisdiction to the municipalities so that they could deal with the funded money. There was a complaint that had something to do with a municipality, yet it was investigated thoroughly by the Ombudsman, albeit extending his jurisdiction again outside what was prescribed by the statute.

To give an example of the stir those complaints cause to the ministries involved when they do go outside the jurisdiction, a 17-page report was put together by the Ministry of Housing explaining why they lacked jurisdiction and why this could not go further. So when the Ombudsman extends his jurisdiction, it increases the work load of the province of Ontario and the government of Ontario.

[9:30]

The member for London South (Mr. Walker) spoke of the situation in Kingsville, another case where the extension of jurisdiction was carried out. Out of a suggestion by the fishermen in the area that they were being harassed by the Ministry of Natural Resources when actually the ministry was applying rules and regulations that had been in existence for some time, came the third largest report the Ombudsman created, studying the entire fishing industry of Lake Erie and the Kingsville area, to the point that it was most likely a duplication of the program already embarked upon by the Ministry of Natural Resources.

Similarly, where we get down to the Workmen's Compensation Board, case 132: There were overpayments to recipients under the Workmen's Compensation plan. It was discovered, as a result of investigation that there were many overpayments but he did not bother to find out why these overpayments were not recovered. Indeed he did not go further into the Workmen's Compensation Board and say here is a very difficult problem, and we should make recommendations that no overpayments be countenanced. So it works both ways; if he is going to investigate those where somebody is oppressed surely where the government is spending large sums of money illegally or without jurisdiction he should proceed there. But again, it was not proceeded with.

This increased jurisdiction again comes up where you have governmental organization, a very wide and broad term which can include anything. Therefore the Ombudsman can again investigate anything. I would suggest when the statute is looked at, and this is debated further, that the jurisdiction should be defined to set out precisely those governmental organizations which the Ombudsman can investigate and should work under.

Municipalities I am sure are not concerned to have the Ombudsman deal with them. Most of the municipalities I canvassed in my riding do not want the Ombudsman in their jurisdictions. Primarily, they feel the aldermen, being very close to the situation, the mayor and the councillors at those local municipalities, can handle the situation quite precisely without the need of an Ombudsman.

Again, we had another problem on case 91 involving the Ombudsman and the Human Rights Commission. There it was resolved because of the comfortable working relationship between the Human Rights Commission and the Ombudsman. They would not define what the legal position was of the Ombudsman, whether he was superior to the Human

Rights Commission or the Human Rights Commission was superior to the Ombudsman. That is not good enough for two bodies that are created by statute. They must define who is paramount, who can investigate which body, or indeed the comfortable relationship should not continue because depending who the participants are it could become uncomfortable.

There is also another problem, Mr. Speaker, with what we might consider to be informal recommendations or suggestions, a very loose relationship albeit at times convenient, between the ministries and the Ombudsman. I would suggest that these loose, informal recommendations or suggestions should not be proceeded in the future by the Ombudsman because it confuses both ministries and Ombudsman. The matter should be precisely set out in letters so that both the ministry and the Ombudsman know what they are reacting to and the problem that has resulted in a complaint.

Again, Mr. Speaker, there is one area that would help the Ombudsman greatly, and that is his blueprint. It was promised in the first report. It was promised in the second report. It still is not there, yet the Ombudsman comes forth asking for a management study, which was not proceeded with because of the Board of Internal Economy and its financial requirements. If this blueprint is prepared, it should form the basis of that management study, should it ever be proceeded with. Without that, the Ombudsman cannot increase his jurisdiction.

I differ with the suggestion made by the chairman of our committee, in that I would not like to see the Ombudsman's estimates go before the same body that is reviewing the report of the Ombudsman—that is the select committee. I believe it works as a very good checks-and-balance system now. It probably could be improved upon, but the select committee dealing with just the report and the functions of the office make it far superior to one that is going to deal with both the money and the report.

In conclusion, the Ombudsman and his staff have done a superior job in the short time they've been there. They have come before the select committee to ask for guidelines and this Legislature should give them. We should set upon the task early in the spring session, because the Ombudsman and his staff are looking for those guidelines. After two years, the fledgling operation should now be given some permanence and structure, so he knows where his limits are, the Legislature knows where his limits are, and his staff know where they are.

Mr. Bradley: Sounds like the Globe didn't make a mistake, George.

Mrs. Campbell: Mr. Speaker, in rising to address myself to this report, I would like to point out that an important aspect of the overall report is that it has been objective. I believe this is the function of the Ombudsman's committee: to view the operation overall, to make recommendations, to commend where commendation is indicated, and to be critical of those procedures which are not up to what we believe the operation ought to be, within the meaning of the Act.

I am rather saddened tonight that once again on a Thursday night, we see so few of the cabinet in the House. I would like to commend those who have appeared and taken an interest in discussing the report. The Minister of Labour gave a very comprehensive answer, and I was rather pleased with the way in which she chose to review the situation.

As far as the Minister of Correctional Services is concerned, I have only to commiserate with him, because he is going to have to review his procedures, having in mind the legislation in Ottawa over which he has no control. But within those restrictions, in my opinion he answered very well.

One of the things we felt in this report is that Pickering, perhaps by reason of the fledgling operation at the time, did not proceed with the type of investigation we feel is important in such a major issue. You will note, Mr. Speaker, the recommendations with reference to the establishment of the commission, the commission itself and the fact that this committee is of the opinion the government should seek that report as quickly as possible, since the surrounding circumstances caused it to be largely abortive as a fact-finding body.

It is very important, as we see it, that the Ombudsman should operate within the meaning of his Act. and that he should spell out clearly, as we have said, what the complaint is and what his recommendations are in precise terms in the section 19(1) letter to the ministries, or to those agencies which come within his jurisdiction. It is difficult for the ministries to respond when the recommendations are vague and general in their wording; and I would like to say that I feel that the ministries, by and large, have responded, have tried to respond even to informal recommendations, and I would commend them for that attempt.

I am somewhat saddened when I hear a ministry raising the point of jurisdiction at a late stage in the proceedings, and I was

interested in what was said on behalf of the Ministry of Education tonight when there is a question of jurisdiction with reference to the case which was under discussion. It seems to me that if the ministry felt that way they should have raised the issue *ab initio* and not at such a stage as this.

It is important that we give guidelines to the Ombudsman, and as you are aware this is part of our function. In this report we have indicated the areas of our concern and the way in which we are leaning, at this point in time, in trying to accommodate to those guidelines as we see them.

It is impossible for me to proceed with the kinds of comments I would like to make since we are very circumscribed as to time for the discussion of this, to me, very important report. There is no question that every member in this House supported, and supported strongly and warmly, the establishment of this office, and for the reasons which were quite apparent. It is important, it seems to me, that all members of the House review this report with care, and that they understand the processes which the select committee are going through in trying to come up with guidelines which will not inhibit the work of the office unduly, but which hopefully will indicate areas where there can be great improvement.

There is no doubt, of course, that there is a concern in the Ombudsman's operation about the purpose for which the office was initiated. We have not, in this report, recommended at this time the enlargement of jurisdiction, and it is important to understand that this is not a suggestion of trying to inhibit the work. But when the Ombudsman himself has asked for a management consultant, notwithstanding what was done by the Board of Internal Economy, there is a strong indication that we should at least pull together the operation as it is and ensure that it is working efficiently before we move further in a direction of increasing jurisdiction. It only seems to me to make very good sense.

[9:45]

I hope the members will review the report and that we can work together in the future to try to effect those necessary changes while still giving to the Ombudsman's office the full opportunity to exercise his purpose for his function.

Mr. Deputy Speaker: The hon. member for Bellwoods.

(Applause)

Mr. McClellan: Thank you, Mr. Speaker. You're all very kind.

Mr. Conway: It sounds like a call to leadership.

Mr. Bradley: Are you running now?

Mr. McClellan: I'm pleased to join the debate this evening. I want to speak briefly on the report and make a couple of observations. I don't intend to take very much time.

I thought the first hour of the debate was enormously interesting. I think a theme or a process seems to be emerging, having to do with the attitude of government towards the Office of the Ombudsman which I think is quite fascinating. It's clear to me that there are some ministries in the government that take the Ombudsman's office as seriously, I think, as most of us do on this side of the House. They take it seriously; they treat recommendations of the Ombudsman with respect to their ministries seriously and they make an honest and serious effort to respond to those recommendations.

Mr. Haggerty: Can you name one?

Mr. McClellan: Yes, I will.

On the other hand, there are other ministries that are quite deliberately obstructionist with respect to the Ombudsman's office.

Mr. Haggerty: Can you name one?

Mr. McClellan: I will name names. For the first time since I was elected, I want to compliment the Minister of Labour. I was enormously pleased with her response here this evening to the recommendations in the third report.

Mr. Deans: She obviously thought about it.

Mr. McClellan: She obviously thought about those recommendations seriously, took them seriously and is making an honest attempt to deal with them. I think all of us are enormously pleased with that kind of response.

Let me contrast that with the attitude of the Minister of Housing (Mr. Rhodes), who didn't even deign to shown up tonight.

Mr. Deans: He is an arrogant man.

Mr. McClellan: His ministry is the subject of the first recommendation of the report. His ministry is the the subject of the North Pickering issue. I see a certain consistency in the attitude in the Ministry of Housing, by way of illustration or example, that speaks to an erroneous and regrettable attitude towards the Office of the Ombudsman.

Mr. Warner: He should resign, he really should.

Mr. McClellan: I would hope that he would take an object lesson from the Ministry of Labour, or perhaps even from the Ministry of the Attorney General, which indicated a desire to co-operate with the Ombudsman.

Mr. Bradley: Where is the chief government whip (Mr. Maeck) when we need him most?

Mr. McClellan: I can't remember who else; maybe it is a short list of ministries that are interested. The Ministry of Correctional Services, let it be said, has been quite consistently co-operative with respect to the Ombudsman's recommendations.

Mr. Haggerty: He's saving \$1 million a month.

Mr. McClellan: Yes, \$10 million a year.

I want to dwell on the North Pickering recommendation. I must say, it is a source of some regret to the committee and we have said it, that because of the failure in the early stages of the Ombudsman's operation to adhere rigorously to the requirements of the Ombudsman's Act, their investigation was not adequate. I myself feel their conclusions were probably solid, but because of the failure to adhere to the requirements of the Act and to follow each of the stages set out in the Act, it is probably fair to say the first North Pickering report of the Ombudsman would not have stood up in court as a bona fide report of the Ombudsman.

That has been the source of an enormous difficulty ever since. If there is any consistent theme to the deliberations of the select committee since I have sat on it, it has been a fairly tough-minded insistence on the part of the select committee to the Ombudsman that he and his staff adhere in the most rigorous possible way to the requirements of the Act in the course of his investigation and the development of his recommendations.

I have every confidence this will be done. It's unfortunate that the royal commission that was appointed on North Pickering took the course and the shape that it did. It was a royal commission with a commissioner who lacked certain graces, let me say, and who refused to appoint commission counsel. A royal commission without commission counsel is no royal commission. What is the point of a royal commission when the commissioner acts as though he were a judge, rather than as one who is investigating all aspects of the situation in coming to a determination on his own?

Because of the refusal of the commissioner to operate in the traditional manner of a royal commission and because of his manner and of his procedures, we made the recommendation we did that an additional inquiry has to be established, consistent with the order in council and consistent with the order in council as interpreted by the court of appeal.

I would have thought the Minister of Housing would have had the decency to show up here tonight and indicate to us his position.

Mr. Kerrio: He was here, he has gone.

Mr. McClellan: I don't think he was here.

Mr. Warner: He was never here tonight.

Mr. McClellan: I am not sure whether he was at the press gallery at the Christmas party or not, but I do not recall seeing him here in the House.

Hon. J. A. Taylor: He was here earlier when the member was at the press gallery.

Mr. McClellan: Before the session ends, I hope the Minister of Housing or his parliamentary assistant will indicate to us what his intentions are with respect to the first recommendation of the third report of the select committee.

I would like to take a swipe, in passing, at the Workmen's Compensation Board. It remains the largest source of cases, not only for us as MPPs but also for the Ombudsman. There was some initial reluctance on the part of the Workmen's Compensation Board, I think, to co-operate with the select committee and with the office of the Ombudsman as well. I detect a significant change, a significant evolution in the attitude of the Workmen's Compensation Board towards both the office of the Ombudsman and to the select committee. I am pleased to note that development and I hope that evolution continues in the current direction. In recommendation 11, of the third report of the select committee, we have included a fairly detailed recommendation with respect to the manner in which we would like to see the Ombudsman make his report on cases to the select committee. I want to draw attention to that.

We spent an enormous amount of time in committee trying to determine, through questioning, the various stages and processes undergone in the course of an investigation of a complaint by the Ombudsman's office. It is our feeling that there needs to be a different format by the Ombudsman for reporting cases to the select committee.

The format up to this point has been something in the order of a public relations format, which hasn't been all that useful in enabling the select committee to work through the complexities of issues involved in each particular case, and to come to a determination or conclusion with respect to any particular recommendation of the Ombudsman.

I think all of us on the select committee hope very much that the procedure under recommendation 11 is adopted by the Ombudsman's office. We think it will enable us as a committee to be more effective in working with the Ombudsman with respect to recommendations, or illustrations of his work, that he brings to the committee.

I want as well to focus on recommendation 41, the recommendation that the estimates of the Ombudsman's office be brought to the select committee. One of the sources of difficulty that has plagued us with respect to the Ombudsman's office over the last couple of weeks has been the jurisdictional confusion surrounding the office of the Ombudsman. I suppose that is natural. The office is still evolving and each of us in the Legislature is trying to work out procedures on what is largely uncharted ground. The Ombudsman's jurisdiction has been split among the select committee, the Board of Internal Economy, and the standing committee on general government which looked at the Ombudsman's estimates. In the roundelay of jurisdictional overlapping much trouble was quite unnecessarily caused. Recommendation 41 addresses itself to that particular dilemma and would go a long way toward ensuring a less acrimonious resolution of the Ombudsman's estimates and issues related to the Ombudsman's estimates.

That concludes the brief remarks I wished to make this evening. I want to stress again an overwhelming impression I have emerged with from the work of the select committee over the last six or seven months, and that is the absolute necessity of the Ombudsman's office adhering rigorously and scrupulously to the provisions of the Ombudsman Act. One of those provisions must certainly be that in the exercise of his ultimate sanction, the Ombudsman must not short-circuit the step of bringing a recommendation to the office of the Premier. He must follow the provisions of the Act that require him to first bring a recommendation denied by a ministry to the attention of the Premier and the Premier's office before he brings it to the attention of the Legislature via the select committee.

[10:00]

We have taken the position on the committee that we are not willing to deal with recommendations in the exercise of the ultimate sanction until the route prescribed by the Act has been followed. We have taken that position for purposes of the third report, and as far as I'm concerned—and I believe I speak for all the members of the committee—we will continue to take that attitude and will insist that in the exercise of the ultimate sanction the route of appeal to the Premier's office be taken before a denied recommendation is sent to the select committee.

As well, I stress again, each and every one of the steps required by the legislation must be followed rigorously, scrupulously and methodically by the Ombudsman and his staff in the course of an investigation. To do other-

wise is to jeopardize the whole function—to lead us back into situations like the North Pickering report. We don't want that to happen.

All of us on the select committee have a deep commitment to the success of the Ombudsman's office and the Ombudsman's operation in this province. We have produced a report which is in many respects critical of some aspects of the Ombudsman's operation. But we have made those critical comments in the most constructive way conceivable, out of the very deepest conviction that the Office of the Ombudsman is something to be cherished in this province and something which all of us in the Legislature want very badly to succeed and to be as good as it can possibly be.

Mr. Eakins: I would like to speak for a few moments because my friend the member for Niagara Falls (Mr. Kerrio) is hoping to get on, and I'm going to try to accommodate him here tonight.

Mr. Kerrio: I'd like to have one member who is not on the committee speak up.

Mr. Eakins: I would like to express briefly a few of my own opinions—opinions as I see them as a member of the select committee, and certainly not in the way that others might see it or would like me to see it. I hope everyone will take the opportunity of reading this report and the recommendations which have been made. I feel that recent discussions on the Ombudsman's estimates have been very healthy ones indeed; strong opinions have been expressed, both by the members and in the press.

I can recall some years ago, when I was first contesting a seat in the Legislature, the former Premier of the province, the late Hon. Leslie Frost, saying there was no need for an Ombudsman in Ontario for we had 117 of them. We know the bureaucracy has grown since that day, and I certainly associate myself with the need for the Ombudsman and for the work of the Ombudsman in Ontario.

This discussion has brought into the open, perhaps for the first time, some of the problems and the growing pains of the Ombudsman's office. The Ombudsman's office has only been in existence for something like two years. I think we must be fair to the Ombudsman and his operation and give his office an opportunity to search out its work and to get to know some of the areas of the province in which it must deal. His office must be free from political interference—and I say that very strongly; they must not have interference politically.

I think it's important, initially, that the

Ombudsman's office has gone out across the province. I certainly appreciate that the representatives of the Ombudsman have been in my riding. They have been good public relations people. I was encouraged to see the large number of people who turned out to bring their concerns to the Ombudsman. I was very encouraged by the dispatch and courtesy with which these people were treated and their concerns dealt with.

There has been a lot of discussion as to the amount of money expended by the Ombudsman's office. A logical system of accountability has to be developed. The Ombudsman, along with other ministries, should live to the best of his ability within the funds allotted.

With respect to overexpenditures, I don't think we can simply point the finger at the Office of the Ombudsman. We have, for instance, a citizens inquiry branch which spends something like \$13 million, and very few people even realize it is in existence. We have to be fair in our criticism, because many of the ministries are expending millions of dollars. Minaki Lodge, under Industry and Tourism costs \$1,000 a day to keep closed. We should be just as concerned about these expenditures as we are about those of the Ombudsman.

One area I would like to touch on briefly concerns the non-jurisdictional work of the Ombudsman. I would like to see some system of dealing more quickly with non-jurisdictional complaints. There are those people, including members, who feel they should not even be dealt with. I think we should be giving credit to the Ombudsman's office; they have been able very quickly to help many people dealing with other jurisdictions such as the federal government. In doing so they have been very helpful to many people indeed.

There has been some discussion of new jurisdictions, or appropriate time to look at increased jurisdiction of the Ombudsman's office. I believe it is on page 14 of the report that the Ombudsman has recommended his jurisdiction be expanded to cover complaints respecting local or municipal governments. I look forward to the day when the Ombudsman will cover this particular area. As one who has in the past been involved in municipal government, I know the many problems which people have in the municipal jurisdiction. Many people have brought them to me. Unless you can get through to the ministries, you are lost as far as helping the people is concerned. I find many occasions when the Ombudsman's office could be very helpful in municipal jurisdictions. I believe the report shows 11 per cent of complaints closed by the

Ombudsman's office as of March 31 were within this category.

However, I do agree with the report, if the Ombudsman's jurisdiction were expanded a very great effect on the Ombudsman's office as presently constituted would result. This is one particular area I am very interested in. I also strongly support the committee recommendation that we defer any formal comments and recommendations on this matter to the Legislature until such time as studies of the operation and organization of the Ombudsman's office are completed, and until the committee has had an opportunity to study in person other jurisdictions which have for a number of years processed complaints in this category. After two years of operation it is most appropriate the committee take a look at other jurisdictions, and the only way you can do that is to go out and meet people in other jurisdictions which have had a number of years of experience in this particular field and look very closely at their operation.

I want to say I am appreciative of what the Ombudsman's office has meant; I am appreciative of the work of the staff. I certainly support the Ombudsman very much in his operation.

There are some areas of concern which I have. I have expressed some of these and we certainly do not have time this evening to go into others. I think we have to deal with these in a spirit of working together through the select committee. I am going to do my part to put forward the views and the feeling I have in regard to the various jurisdictions.

I appreciate the opportunity of speaking briefly in regard to the Ombudsman's report.

Mr. Speaker: Does any other member wish to get involved? The hon. member for Niagara Falls (Mr. Kerrio).

Mr. Deans: There is a point of order I want to raise with you, Mr. Speaker. The House leaders agreed today, on behalf of the parties, to break up the time as follows: one hour for the ministers to respond and the remaining hour and a half to be divided equally among the three parties.

I would like to suggest to you that the Liberal Party have now used 32 minutes of the half hour that was allocated to them. I did not want to interrupt the member in all fairness. The first speaker, the member for Haldimand-Norfolk (Mr. G. I. Miller), spoke for 15 minutes. The second speaker, the member for St. George (Mrs. Campbell), spoke for 10 minutes and the member for Victoria-Haliburton (Mr. Eakins) has just spoken for almost seven minutes.

Mr. Roy: Who kept the time?

Mr. Deans: I did. In addition to that, the

member for Hamilton Centre (Mr. Davison) spoke for 11 minutes, the member for Bellwoods (Mr. McClellan) for 15 minutes and the member for Simcoe Centre (Mr. G. Taylor) on behalf of the Conservative Party for 12 minutes. Unfortunately, probably due to an oversight, the member for Niagara Falls, whom you have just recognized, doesn't have any time left according to the agreement that we reached.

Mr. Roy: If there are no other speakers, he can speak.

Mr. Deans: No, it's an equal division of time. One uses it or one doesn't.

Mr. Kerrio: The Speaker just asked for any other speakers.

Mr. B. Newman: There's plenty of time. We've got another 20 minutes.

Mr. Kerrio: I don't care to argue. I think the member is perfectly right, but if others do not want to speak, I am prepared to.

Mr. Deans: On the point of order, it is not a matter of whether they want to use it or not. We don't need to use our time and we have a half hour. The Liberals don't have any more time. They have used their time.

Mr. Roy: Do they have any more time?

Mr. Speaker: The agreement was that we would have one full sitting for the discussion of the report of the Ombudsman. One hour was allocated for the ministers or their delegates. The remaining hour and a half was to be used among the other three parties. I have just heard a member from the Liberal Party. I will recognize a member from the New Democratic Party or the Conservative Party. If they do not wish to use the remaining time, and there are 17 minutes, I will recognize the hon. member for Niagara Falls.

Mr. Kerrio: It is my pleasure to join those who would debate this particular issue tonight. I am pleased to see the Minister of Energy (Mr. J. A. Taylor) with us tonight.

It would seem this chamber can become so insulated from the outside world that we forget we have a serious responsibility here. In that responsibility I would refer to the responsibility of spending the tax dollars in a way that would make us responsible members of the Legislature.

The Ombudsman's office has been talked about tonight, in its many facets, but I would like to bring into play one area I feel is very significant. There has been much discussion about what has happened in this office. The need for the office is without question. But I would like to suggest with regard to what we do in this Legislature, whether it relates to the Ombudsman's

office or it relates to any other thing we do in the Legislature involving any other ministry, unless we are prepared to set the kind of budget that it is within our ability and the ability of the taxpayers to pay, we shall never balance the budget, we shall never be responsible to the citizens of Ontario.

I would like to suggest, in my way, that the Ombudsman should be put under the same kind of restraint that any other ministry or what have you should be put under, if we are ever going to get this thing on the kind of basis that would make some kind of sense to those people out there who pay the tax dollars.

[10:15]

We talk about it and we shift the responsibility from hither to yon, but no one is willing to stand up and suggest that everything we do has a price—a reasonable price, yes, and reasonable areas of jurisdiction—and I think the Ombudsman should be so directed.

We cannot and should not allow blank cheques to be written on the account of the taxpayers of this province. The Treasurer (Mr. McKeough) will never in God's world ever balance the budget if we continue to do what we're doing within this particular issue or on any other issue we might talk about on the floor of this Legislature.

It just so happens that I come from that very real world in the contracting business, where you bid a certain amount of money and you produce within the limits of that amount of money. Unless we're willing to address ourselves to that kind of performance here on the floor of this Legislature, we shall never be responsible to the people of Ontario.

We can talk about rhetoric. We can do everything we want. If the Ombudsman wants to take those people who are going to investigate and report on the Ombudsman's office to Israel or wherever the hell he wants to take them, he should do it within the limits of the kind of money we're prepared to pay to perform that function. I say with respect to everybody sitting in this Legislature, unless we're prepared to do that in every ministry and in everything we take on to do, whether it be Minaki Lodge, Ogoki Lodge, the Ministry of the Environment or anything else we might do here, unless we're prepared to bite the bullet, we shall never bring responsible government to the people of Ontario, no matter what we all say here. Sitting in this Legislature is not going to do it.

The people out there can produce so many dollars. We should be responsible to spend

them in a responsible way. All the rhetoric that's spoken here is never going to change any of that.

Mr. Lawlor: Including your own.

Mr. Kerrio: In summation of the point I'm trying to make here, whether it be the Ombudsman or whatever we do here, we should live within the limits of responsibility to the people who pick up the tab.

Mr. Warner: Mr. Speaker, I appreciate the opportunity to speak.

Before I begin, my sympathies go out to the member for Kitchener (Mr. Breithaupt). I understand the anguish he must go through in trying to consolidate agreements.

Mr. Roy: He is out of order.

Mr. Warner: It's unfortunate that he's been saddled with that task.

I have raised a certain matter before with the Ombudsman and I would hope, as the operation unfolds, that he and his staff have an opportunity to take a look at what in the very broadest context is called consumer protection. We know, by the definition of the Office of the Ombudsman, that he is restricted in the operation. The select committee is taking a look at the guidelines for the Ombudsman's office. Broadening the jurisdiction is obviously a possibility by extending it into municipalities and other areas that previously have not come under the jurisdiction of the Ombudsman's office.

I would suggest that one of the things that is needed, somewhat similar to the expected report on Correctional Services from the Ombudsman's office, is a report or a look into the whole area of consumer protection in the province of Ontario. As you know, Mr. Speaker, the government of this province has made a distinction between consumer protection and consumer relations. The government has decided, of course, that we should have what it calls consumer relations; that is, the settling of disagreements in some sort of amiable fashion, trying to get both sides to agree. But if they don't there isn't anything they're prepared to do. That's very much different from consumer protection.

Obviously the area leaves itself open to wide investigation. For example, should it not be that articles and items are tested beforehand, guaranteed to be safe et cetera, before they are introduced into the market and not the reverse process, which is what we have now? At the present time, articles can find their way on to the shelves, be sold and be found to be dangerous before action is taken.

The Minister of Consumer and Commercial Relations (Mr. Grossman) himself presented

one of those items the other day, I recall. It was something about little toy robots that threw things.

Hon. Mr. Grossman: Here they come now.

Mr. Warner: They're hiding in the minister's office

It seems to me that kind of item should have gone through some sort of test beforehand and had been proved before it reached the marketplace. What I'm suggesting is that entire area could be the subject of reporting by the Ombudsman. If I understand the rules correctly, it is not within his jurisdiction at this point to take a look at that kind of business, but it should be—

Hon. Mr. Grossman: I should be like the Ombudsman, and do it anyway.

Mr. Warner: —because we do not really have consumer protection in the Province of Ontario. What we have, of course, is consumer relations—the idea of settling arguments among relatives, and we know how successful that usually is.

Mr. Deans: In fact, it's getting worse.

Hon. Mr. Grossman: Do you think so?

Mr. Warner: Certainly it is. The member for Wentworth points that out.

Mr. Deans: The insurance companies run rampant. The coffee companies do what they please.

Mr. Warner: He is really the minister of corporate protection.

I'm surprised, for example, that the Minister of Consumer and Commercial Relations didn't personally say to the Ombudsman: "I can't handle this problem. Maybe you should be investigating the coffee prices."

I appreciate the interest that the Ombudsman's office has shown with respect to the correctional institutions. I hope we will see an in-depth report on that whole system and how it can be humanized—how the rights of people can be protected even when they have been incarcerated. That area of jurisdiction is well within the purview of the Ombudsman and I would expect a comprehensive report—the sooner, the better.

Mr. McClellan: Why is the minister laughing?

Hon. Mr. Grossman: I've heard it before.

Mr. Warner: It's extremely important for all of us in this assembly to keep in mind the perspective that the office has not been in operation for a very long period of time. We are dealing in a province of eight and a half million with a very complex kind of society—an industrial society, for the most part. I think it is totally unreasonable to put

the office into place and expect it to operate perfectly within a couple of years.

There are going to be problems. The previous member has a concern, as all of us do, about spending—some of us perhaps more than others, witness the government record, but none the less all of us have a concern. Surely, we don't want a gold-plated office operating in a platinum fashion. None the less, the office itself, the concept of having an Ombudsman's office which operates in a functional way, is extremely important.

In the justice committee the other day, when we were dealing with the bill on Thunder Bay, someone took my comment to be somewhat facetious; but it wasn't. The city of Thunder Bay presented to the committee a very imaginative scheme for a portion of their downtown where they are enclosing a couple of the streets into a mall.

I suggested, because of the climate in Thunder Bay and this imaginative project, which is going to be very large in scope, that this enclosed mall would be a perfect place for the Ombudsman to locate an office. In fact, if the government could understand that the world does not begin nor end in the city of Toronto, perhaps Thunder Bay would be a good place for the Ombudsman to have his central office located. It might be a progressive step toward decentralizing and creating an understanding that this province does not begin and end in Toronto.

Hon. Mr. Grossman: Don't give him any more ideas.

Mr. Warner: He might find a new and imaginative way to travel from Toronto to Thunder Bay, heaven only knows. Nonetheless, I think it is important to decentralize.

Mr. Roy: How about a Lear jet?

Mr. Warner: It's important that the Ombudsman be in the community and be meeting people where they live. If there are ways to decentralize, all the better. He must surely take a special kind of approach to northern Ontario, not just Thunder Bay, but obviously beyond there. He must have a way of communicating.

The Ministry of Colleges and Universities has a plan, which I have always applauded, whereby some of the northern colleges will actually send their personnel out into the far-flung communities. They will get there by canoe in some cases. They go along the shore of James Bay and meet the residents in the communities. I suggest that the Ombudsman is going to have to do that sort of thing if he wants, first to understand northern Ontario, and second, to be able to help the people who live in northern Ontario. He has

to get out there and do the job. I would far sooner see him in a canoe than in a rented Cadillac down in the streets of Toronto.

Mr. Speaker, in conclusion—

(Applause)

Mr. Breithaupt: I don't know what you have done to provoke them.

Mr. Warner: I thank members for energetic enthusiasm. I know the Minister of Consumer and Commercial Relations wants to take out a party membership in my riding. I appreciate that.

I have always supported the notion of having an Ombudsman in the province of Ontario.

An hon. member: Is that the best support the member for Wentworth could get?

Mr. Warner: I hope we will move forward constructively so that the people will be served in the way in which they should.

Mr. Van Horne: A point of privilege, Mr. Speaker.

Mr. Speaker: Point of privilege.

Mr. Van Horne: Mr. Speaker, I rise in defence of our House leader, the hon. member for Kitchener.

Ms. Gigantes: He was not attacked, he was supported.

Mr. Van Horne: I would like to carry on, Mr. Speaker.

Insofar as agreements to split time are concerned, I would point out to the members of the third party that in the estimates of the Ministry of Education, at the request of the third party, the time was split evenly. I would refer the hon. members to page S-23 of Hansard. We did agree that the hours be split evenly.

Mr. Deans: What has this got to do with this debate?

Mr. B. Newman: It shows you how you play ball.

Mr. Van Horne: In the summary, on page S-272 the chairman remarked that the time at that point had been used up as follows: eight hours and 28 minutes by the NDP and five hours by the Liberal Party. We did not complain. In defence of our leader, I would suggest that the third party is out of order.

Mr. Deans: All I can tell the member is that wasn't the House leaders' agreement.

Mr. Speaker: Order. That concludes the debate.

Ms. Gigantes: They had every opportunity.

Mr. Speaker: Before adjournment, can we have unanimous consent for the hon. member

for Etobicoke to bring in a report from one of the standing committees?
Agreed.

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee reported the following resolution:

Resolved: That supply in the following amount and to defray the expenses of the Justice policy secretariat be granted to Her Majesty for the fiscal year ending March 31, 1978:

Justice policy program.....\$468,000.

Mr. Speaker: Shall the resolution be concurred in?

Mr. Roy: No.

Mr. Speaker: All those in favour of the report being concurred in will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Mr. Roy: It is a useless ministry and shouldn't exist. I will vote against it for the rest of the time I am here.

Resolution concurred in.

On motion by Hon. Mr. Grossman, the House adjourned at 10:31 p.m.

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Campbell, M. (St. George L)
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Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition

First Session, 31st Parliament

Friday, December 16, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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An alphabetical list of members of the Legislature of Ontario, together with lists of members of the Executive Council and Parliamentary Assistants, appears as an appendix at the back of this issue.

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LEGISLATURE OF ONTARIO

FRIDAY, DECEMBER 16, 1977

The House met at 10 a.m.

Prayers.

HYDRO TRANSFORMER FIRE

Mr. S. Smith: Mr. Speaker, yesterday in the House the Minister of the Environment (Mr. Kerr) made a number of statements with regard to the fire in the transformer on Adelaide Street. We have good reason to believe these statements have served to misinform the House in a serious way. I'd like to quote the statements point by point, if I might. The first one I quote from the Minister of the Environment from Instant Hansard, page 24:

"Hydro knows full well the steps that have to be taken and the information that should be given to the firemen when they arrive on the scene."

We have spoken to Mr. John Smith, the platoon chief at the Adelaide Street fire hall, who was the senior fire department official at the scene of the fire. He was contacted yesterday by our research office at 5:30 p.m. He asked for the Hydro man in charge of the site and he said he was told that the fire involved "a new type of inflammable liquid used in the transformer." He was not told that the material had any toxic qualities. This was confirmed by Mr. Goyette, assistant manager of power service department of Toronto Hydro, who says in today's *Globe and Mail*:

"Toronto Hydro has no contingency plans for such emergencies involving transformer fires containing PCBs."

Point two: "Hon. Mr. Kerr: We advised all the employees and the firemen of what was involved here and what precautions should be taken. That information was given on the scene."

"Mr. Lewis: To whom?"

"Hon. Mr. Kerr: To the Hydro employees and to the firemen. That information was passed immediately by our people from central region who attended on the scene at about 1:00 to 1:30 p.m. that day."

Mr. John Smith, the platoon chief, says he was on the scene until the very last firefighter left at approximately 11 a.m. That means that he left and the others left at

least two hours before the environment officials even arrived on the scene. He said he was not aware even yesterday at 5:30 p.m. of any particular dangers connected with the fire. He says, furthermore, that he took no special precautions with respect to his clothing or equipment.

This has been confirmed by Fire Chief Bonser, and I quote from the *Globe and Mail*: "His men weren't informed about the health hazards of the PCBs until he read about it in the *Globe*."

Point three—and perhaps a somewhat lesser point—the Minister of Labour (B. Stephenson) prior to the arrival of the Environment minister said, and I quote, that, "the site has been entirely cleaned at this point," meaning yesterday. This was allegedly confirmed by the Environment minister outside the House.

Now, however, ministry officials quoted in the *Globe and Mail*, and I quote: "Removal of the soot covering the building would not begin until basically Thursday night,"—that's last night, some time after we met here in the House.

Now there are obvious concerns arising from this. I won't labour the point by listing all the very clear contradictions; but when the lives of people are at stake, when the very future of the employees of Hydro, the firemen, the passers-by, the employees in the building and nearby buildings and those working there, are in danger; and when the House is so misinformed, basically what we are left with is either the conclusion that the minister has perhaps in some way, inadvertently, misinformed the House or he himself has been seriously misinformed by his own officials. I believe the privileges of the members here who have raised these questions yesterday have been seriously affected by this type of behaviour on the part of the minister, and I would hope that the government would have a statement to make on this subject today.

Hon. B. Stephenson: On a point of privilege, Mr. Speaker: I did not state that I knew that indeed the clean-up had been completely carried out at that point. I had been informed that indeed the cleanup had

been carried out and that's what I reported to the House.

Mr. S. Smith: I can accept that.

Mr. Lewis: Mr. Speaker, may I speak to the point of privilege: I, too, was extremely taken aback by the way the Minister of the Environment handled this matter during question period yesterday. Immediately after question period, I phoned directly and personally spoke to Fire Chief Bonser of the city of Toronto. He informed me—and he is such a straight and open man that I could not believe it otherwise—that he didn't have the slightest idea of the hazards to which they were subject until phoned by a reporter five days later, that most of his men and the equipment—22 men and the equipment—were off the job by 9 in the morning, two hours after the fire had started and that the Minister of the Environment arriving at 1 o'clock therefore had no one to speak to, as the Leader of the Opposition has pointed out.

The fire chief informed me that even though they had been warned as firemen about hydro transformers, the possibility of electric faults, the possibility of the coolants causing difficulty, they had never before this instance encountered the evaporations of a highly toxic substance like PCB. Everything this man scrupulously told me in a direct phone conversation contradicts directly the positions which the Minister of the Environment put before this Legislature yesterday. I don't believe that the minister would deliberately mislead this House, but I think he owes this Legislature a strong and early apology before this House rises, because there's too much at stake.

Hon. Mr. Davis: Mr. Speaker, on the point of privilege: I understand the minister is on his way here. I am not familiar with the facts of the situation but I understand he's on his way from his office. Perhaps he will either reply to the concern expressed by the members opposite or he may make some statement, or perhaps through questions some of these matters can be sorted out. The minister does plan to be here.

Mr. Speaker: Due to the nature of the point of privilege, I think the House will accord the hon. minister an opportunity to respond when he does arrive.

LEGISLATIVE STAFF

Mr. Speaker: Before we commence the business of the House today, and since it appears that the session will be prorogued later this morning, may I take just a mo-

ment to extend to members and all others concerned, my sincere thanks for their co-operation and assistance during the period I have been in the chair. In particular, I want to thank those who are responsible for the operation of the House. Hon. members are of course aware, of the visible staff who support us here; the clerks, the legislative counsel, those from Hansard, and those with whom we work directly. However, I do want to express publicly my thanks and best wishes for the holiday season to the many people who help us in many unseen ways. I will not take the time to enumerate them on this occasion, but I know members of the House will want to express their best wishes to all of the employees of the House, for a joyous Christmas.

NDP LEADER

Mr. Speaker: Also, I would not like to let the day pass without noting the last day on which the member for Scarborough West (Mr. Lewis) will lead the New Democratic Party in this House.

Mr. Lewis: Well, we could have an election before it's over.

Mr. Speaker: The member has, since 1970, been a dedicated partisan, and I mean that in the most complimentary way. Since the member is only surrendering party leadership and not his seat in the House, the House will continue to have the benefit of his wit and wisdom for some time to come.

I look forward to giving my personal greetings to members and all others concerned with the House in room 228 after prorogation.

STATEMENTS BY THE MINISTRY

DISCRIMINATORY BUSINESS PRACTICES BILL

Hon. Mr. Davis: Mr. Speaker, during my visit to Israel last January, and more recently here in Toronto, I stated that I would introduce a bill to make it clear that as far as Ontario was concerned, economic boycotts which prejudice citizens of this province by virtue of their ethnic background, religious affiliation or freely expressed views, will not be tolerated by this Legislature and the people of Ontario.

In fulfilment of this statement, I will be introducing—or the government House leader on my behalf, depending on the hour—a bill called the Discriminatory Business Practices Act, 1977.

In considering the form and substance of this bill, it was necessary to consider carefully

the areas of legislative competence of this House under our constitutional structure. Perhaps the desired effect might be obtained more directly by legislation aimed at trade and commerce, foreign trade, shipping, money and banking, or criminal law. These areas are only within the competence of the government of Canada, and I commend to that government consideration of this problem in these areas.

This House may deal with matters of property and civil rights, and accordingly the problem has been addressed here from that viewpoint.

The legislation deals with discrimination in relation to creation of contracts of a primary, secondary and tertiary nature within Ontario, and with the disclosure of information, or the required request for information, of ethnic background, religious affiliation, et cetera, of the contracting parties. The enforceability of contracts involving such discrimination is made null and void; a civil remedy by way of prohibition is also provided. By these civil means, it is our hope that this province will clearly indicate its abhorrence of such discriminatory practices within its boundaries.

I have today forwarded copies of this legislation to all nine other provincial Premiers and to the Minister of Industry, Trade and Commerce for Canada. I commend this legislation to them.

I am well aware, Mr. Speaker, as I am sure other members are, there have been, and will be, concerns within the business community about the impact of this legislation. By tabling the bill today, the people who are concerned will have adequate time for study and comment in regard to what we have prepared. Provided it is clearly understood that we do not intend to back away from the principles that this legislation represents, we will be willing to listen to any and all constructive suggestions.

I am proud of this bill that will be introduced, and proud of Ontario's leadership which this bill represents. I am confident that members of all parties in this House will share that pride with me.

NDP LEADER

Hon. Mr. Davis: Mr. Speaker, I have another brief statement to make that may or may not be in order; and I would ask you, Mr. Speaker, to reserve your judgement as to whether it is in order until the statement is completed. If you then rule it out of order, I will accept that ruling, but it will be in the record in any event.

Mr. Foulds: Good luck; the Premier should never have made those introductory remarks.

Mr. Nixon: He picked the wrong Speaker. [10:15]

Hon. Mr. Davis: I thought I would forewarn, Mr. Speaker, that it may not be in order, but I am suggesting some leniency until you've heard it and then make that judgement.

Mr. Conway: The Premier breaks the rules with such charm.

Hon. Mr. Davis: Yes, I probably am breaking the rules, but because of the organization of the day, I may not have a chance a little later.

Mr. Speaker, I'm really rising to express, in my own way, best wishes on this, the last legislative day when the member for Scarborough West will be serving his party as its leader. I do so in spite of the fact that maybe later today somebody will try to defeat the government.

Hon. W. Newman: Don't count on it; they may draft him.

Hon. Mr. Davis: It is not my intention to offer either eulogy or hollow praise. He obviously will continue to sit opposite and champion those causes in which he deeply believes, and he will continue to do so with skill and conviction which few, very frankly, can match.

While in political terms his party and mine stand opposed on some goals, and I guess on most methods, in human terms he has often been at one with every Ontarian who has dreams and aspirations for their future. Our political careers have not been precisely parallel or contemporary—

Mr. Lewis: You can say that again.

Hon. Mr. Davis: —in that I am somewhat senior to the hon. member—

Mr. Lewis: And rather more successful.

Hon. Mr. Davis: Just a little bit senior, Mr. Speaker.

Hon. Mr. McKeough: Mellow.

Hon. Mr. Davis: Both of us are mellowing maybe; I'm not sure. I, for one, will always be proud to say that I served in this Legislature when the hon. member for Scarborough West did, and that I've tried to answer questions which emerge from his sense of social justice, his concern for human dignity and his compassion for the less fortunate.

Neither of us has been beyond the politics that we embrace in the service of the two parties that, along with our friends in the Liberal caucus, serve a parliamentary system which remains, in my view at least, the best we know. I have campaigned against him, and I sense he's campaigned against me, each

for different views of how best to serve the people. How the people did, in fact, choose does not convince me that he was always wrong; or that I was completely right, just most of the time. In fact, election results often prove only that no single leader, or any single party, ever has all of the answers.

The leadership he has offered his party has been—and I say this as a leader of a party—particularly selfless, particularly noble and particularly decent. If he erred at all, it might have been that he was provocative when he should not have been, and conciliatory when provocation might have helped. That's very easy for me to say, because I'm never provocative.

Mr. Lewis: That's true.

Mr. Lawlor: He is never conciliatory.

Hon. Mr. Davis: I'm always conciliatory.

Hon. B. Stephenson: Always conciliatory.

Hon. Mr. Davis: I wish my friend well, and I speak for our caucus. This province owes him a great deal and I hope that his sense of contribution to public life—past, present and I sense still in the future—will always justify that debt.

Mr. S. Smith: I would like to join with the Premier in his very accurate and very gracious remarks and simply to add a few words of my own, if I might, on this occasion.

The fact is that the gentleman who is now stepping down as leader of his party has been, whether he knows it or not, an example to me in my little time that I have spent in this Legislature, and I still have a lot to learn to ever even aspire to catch up to his level of parliamentary ability. He has brought the humanitarian dimension to provincial politics in a way that is very obvious to people throughout the province; and that I particularly want to pay tribute to.

I believe that apart from questions of political party and apart from matters of economic philosophy or whatever, that he has doggedly played one of the most difficult roles for most of his young adult life—sometimes without any real hope of victory, more recently with real hope of victory. But he has done so obviously because of a belief in what he stood for and for no other reason. That was something that was very clear to everybody, very clear to me when I had little interest in politics and followed his career closely.

He has taught us, I think, how opposition parties should do research; he has taught us how we should question ministries; he has taught us how we should take issues and

draw them to the public attention. He has tremendous skill in these ways. Those of us who carry on the same tradition, although in another party, whether we know it or not are following many of the standards which he set in this House.

I personally wish him well. I know he has given up a lot in the prime of his adult life. I wish him well as a private member. I wish him well in his family life, which he will have a little more time for now, and in any career that he undertakes. I know he realizes that we say this with very great sincerity. He has my admiration as a person, as a humanitarian and as a parliamentarian. It has just been a privilege to follow in his shoes as Leader of the Opposition and to learn from him. I wish him well.

Mr. Lewis: Quite simply, Mr. Speaker, and perhaps uncharacteristically, let me say that I love you all, indiscriminately and across every party line. I had hoped, and I hope I am still given the opportunity to respond to some of this and to make some reflections of my own when I am able to wind up the budget debate for my party.

The Premier and the Leader of the Opposition are incredibly generous. They are good friends—I want to say something about that later on, and I appreciate the avoidance of the past tense.

I do want to stay in this Legislature. I want to barrack and declaim raucously, and with a sense of inspired liberation from somewhere up there where I will be consigned at the appropriate point in time. I want to make life wretched for the government, as they would wish me to do to maintain the consistency. And indeed, before this day is over, when I have the opportunity to move on behalf of my party a no-confidence motion, nothing in the spirit of the chamber at this moment would give me greater pleasure than to help to bring this government down.

Hon. Mr. Davis: But not until after February 3.

STATEMENTS BY THE MINISTRY

GATT NEGOTIATIONS

Hon. Mr. Bennett: Mr. Speaker, I would like to take this opportunity to report to the Legislature on Ontario's position regarding the current negotiations in Geneva on the General Agreement on Tariffs and Trade, better known as GATT.

I do not have to remind members of this House that Canada is a trading nation. Almost one-quarter of the nation's GNP is derived from exports, about two-thirds of

these being shipped to the US. The Ontario economy is even more dependent on exports, with 29 per cent of our GPP coming from foreign sales, approximately 80 per cent of these to the US. With such a high dependence on foreign trade, it is essential that Canada participate fully in the Geneva negotiations.

Moreover, I would ask you to note our dependence on trade with the US. In the Kennedy round of trade negotiations of 10 years ago, Canada was able to negotiate a special status and did not, therefore, cut tariffs across the board. This time the US Trade Act provides that the US may grant concessions to other nations only if these nations are full participants in the negotiations.

Our position in presenting our views to the federal government is based on the awareness that this province has half of Canada's manufacturing and two-fifths of its fruit- and vegetable-growing and processing industries. We have a vital stake in these negotiations.

Also, because of our economic position, we will incur the largest portion of any adjustment costs resulting from the lowering of trade or tariff barriers. Indeed, these costs will probably be as substantial as those faced by any other industrial economy. Thus while we are supportive of the federal government's negotiating team, we are equally concerned that Ontario's position be stated most clearly.

The core of our submission to the federal government revolves around three major themes: One, the importance to Ontario of the multilateral trade negotiations; two, our concern with the balance of benefits and concessions, or as it is called reciprocity, particularly in view of the sensitivity of a number of Ontario industries to any moves towards lowering trade barriers; and three, the need for appropriate policies to smooth the adjustment period to be formulated and announced before the negotiations are concluded.

We feel these points are essential if we are to minimize the costs of increased competition and achieve the maximum gains from improved access to world markets. In formulating our GATT position, Ontario has had to tread a delicate path between the short-term need to maintain employment and the long-term desirability of an internationally competitive, highly productive industrial structure benefiting all Ontarians, producers as well as consumers.

Clearly, we feel the key requirement for Canada's negotiators is to obtain reciprocity,

not just for the nation as a whole but also for the main regions of this country. For Ontario this must include reciprocity for secondary manufacturing and agriculture. Canada's negotiators must obtain improved access for Ontario products in the US, the European Economic Community and Japan. Further, they must strive to lower non-tariff barriers if we are to realize any significant benefits from these negotiations.

I would remind this House, Mr. Speaker, that Canada's trade policy is oriented towards the use of tariffs rather than non-tariff barriers. So if Canada's tariffs are to be lowered while other countries retain their non-tariff barriers, this will be an unacceptable outcome to the negotiations.

Since this is the first round of trade negotiations dealing to any extent with non-tariff barriers, and since many of these barriers are extremely difficult to define, we share concerns which have been expressed by others as to the possible outcome.

However, there are certain areas in which Ontario has considerable interest. For example, Ontario has the potential advantage in supplying professional services—engineering, systems work, management consulting and so on—to other industrial countries, but only if tendering procedures abroad can be made more open and fair. Ontario manufacturers could sell more high-technology products to other countries—products such as heavy electrical, telecommunications and urban transit equipment—if restrictive procurement and unfair subsidy practices could be eliminated.

However, should progress in reducing non-tariff barriers be limited, Canadians will, I suggest, be increasingly inclined themselves to consider other means of protection as permitted by GATT.

In our submission to the federal negotiators we have also pointed out that should there be limited progress in reducing these non-tariff barriers, reciprocity for Ontario's manufacturing will have to come from within the tariff plan itself. This we see as being extremely difficult to achieve.

The tariff-cutting formula under discussion is structured so that higher tariffs are to be cut by greater amounts than lower tariffs will be cut. Canada, as a nation with relatively high tariffs, would therefore suffer the greatest cuts.

We have suggested that in order to achieve reciprocity in the tariff plan, the federal negotiators will have to negotiate the following:

[10:30]

One, a substantial number of exceptions to the tariff-cutting formula in order that average reductions in Canadian tariffs will not exceed the reductions in foreign tariffs faced by Canadian exports. Moreover, those Canadian industries which rely upon tariff protection for viability and have some prospect of further growth and development, must continue to enjoy an appropriate measure of protection.

Two, maximum credit for voluntary tariff reductions where the actual Canadian rate is currently lower than the formally agreed GATT rate. For example, in 1973 Canada unilaterally reduced the tariff on certain consumer products such as tableware, vacuum cleaners and bathtubs from 20 to 15 per cent. Canada should be entitled to full credit for those reductions.

Three, a number of key Ontario exports to the US face US tariffs which are less than 10 per cent. According to the current tariff-cutting formula these tariffs would be reduced only marginally. Greater than formula reductions must be secured if appropriate benefits are to be realized.

Four, in high-technology products such as communications, heavy electrical and urban transit equipment, where non-tariff barriers are the main obstacles to freer trade, Canadian tariff cuts must be linked to foreign non-tariff barrier concessions.

Five, effective seasonal protection and conversion to ad valorem—that is a percentage of value rather than cents per pound—tariff rates for Ontario's horticulture industry must be secured. For example, the present duties on most fruits and vegetables are one or two cents per pound, with the level of protection diminishing as prices rise. An ad valorem duty of 10 to 15 per cent, say, would provide Ontario's farmers with greater assurance of a continuing domestic market.

If these tariff negotiating objectives are met, then there will be increased opportunities for Ontario firms to expand production and increase exports in their most competitive lines. This, in effect, will help offset the losses they will likely incur because of more effective import competition.

However, it would be a serious mistake to assume that these opportunities will be easily realized. As far as the medium-term outlook is concerned, economists are forecasting slower growth both in Canada and abroad into the early 1980s. Because of this, we have made it clear to the federal negotiators that a deliberate and co-operative effort must be made to implement the policies and programs required for a successful adjustment to international specialization before any agreement to lower trade barriers is concluded.

Our key recommendations to the federal government regarding adjustment policies relate to: One, the improvement in confidence in the investment climate; two, continued restraint in the public sector in areas of both taxation and expenditures; three, increased support for industrial innovation and product development; four, the restructuring of certain government policies, programs and regulations affecting industry; five, the establishment of industry sector committees to aid in the identification of problems which industries may encounter during the adjustment period; six, more rapid and effective domestic recourse against unfair foreign trade practices; and seven, increased consultation among various industry and agriculture groups, as well as among the various provinces and the federal government.

We believe that any further erosion of the economic strengths of Canada must be ended now through greater co-operation among all levels of government. There must also be a greater effort made to harmonize technical standards and provincial procurement practices throughout this country.

In the course of assembling our position, Ontario officials have had extensive consultation with industry and agriculture associations and with other provinces. The Treasurer of Ontario (Mr. McKeough), the Minister of Agriculture and Food (Mr. W. Newman), and I, along with other provincial ministers, have met with our federal counterparts and will be meeting next Monday with the federal ministers of the Ontario ridings. Such meetings will continue to take place as required during the coming months.

As well, throughout the process there have been substantial discussions with the federal government and with the Canadian delegation in Geneva.

We expect these consultations will continue and intensify during the coming months as the negotiations move into more detailed phases. Senior Ontario officials will be meeting with their federal counterparts in both Ottawa and Geneva on a regular basis to ensure that Ontario's interests and concerns are effectively communicated to the Canadian negotiating team.

I would like to make it perfectly clear to the members of this House that Ontario associates itself totally with the overall Canadian objective being pursued in Geneva. At the same time we have registered very clearly our concerns and indicated areas in the negotiations where we feel that a strong stand must be taken, not just in Ontario's interest but in the interests of the nation as a whole. While we look forward to new

opportunities for Ontario industries as a result of lower trade barriers in Canada and abroad, we are not prepared to see these achieved at the price of irreparable damage to Ontario's secondary manufacturing and agriculture.

Reciprocity—a fair bargain—is what Canada will strive to achieve in Geneva. I offer to this House the assurance that Ontario fully intends to lend its support to help Ottawa reach those goals on behalf of this nation.

Mr. Roy: Who wrote that for the minister?

Mr. Cassidy: He doesn't sound very sure.

Mr. Roy: Last week he told me that GATT was an insect.

Mr. Warner: I notice the Treasurer didn't reply.

ENERGY REPORT

Hon. J. A. Taylor: On May 23 of this year I announced, along with my colleagues, the Minister of Agriculture and Food and the Minister of Natural Resources (Mr. F. S. Miller), the start of a major energy-related initiative to determine the feasibility of using reject heat from Ontario Hydro's Bruce generating station.

A detailed economic and engineering study has been undertaken by Ontario Hydro and independent consultants to examine the feasibility of using the moderator cooling water at Bruce for greenhouse heating and aquacultural purposes. I am pleased today to table a summary report of the findings of this study for the information of members of the Legislature and the general public. A more detailed report is being printed and will be available next week.

The study confirms that substantial savings of more than 50 per cent in greenhouse heating costs can be achieved using reject heat instead of conventional oil or gas furnaces.

Mr. Kerrio: There should have never been reject heat.

Mr. Foulds: In the new Legislature, this minister is going to be a reject minister.

Hon. J. A. Taylor: It looks at the economic and technical feasibility of greenhouse development in the area. The study also confirms the technical feasibility of developing a fish hatchery and/or fish-farming operation.

The project provides an opportunity for the greenhouse vegetable industry to meet the challenge of rapidly rising fuel costs and competition from imports, both of which have placed the industry in serious econom-

ic difficulty. The potential for fish culture would also allow the expansion of efficient production of fish in Ontario and improve prospects for commercial fishing and sports fishing industries.

I am pleased to record the enthusiastic support which we have received from the local municipalities and from the county of Bruce; I know there is a strong interest in the region to see this concept become a reality, and I welcome this contribution to its development.

When I announced the start of this project, I noted it would involve major opportunities for the private sector in the design, construction, ownership, financing and operation of suitable facilities to make use of the reject heat available from Ontario Hydro generating stations. We are particularly interested in receiving the response of the existing operators in the greenhouse and aquacultural industry. Arrangements are being made to consult with them over the next few weeks. Copies of this report are also being made available to other organizations, such as banks and energy companies, which may be potential investors in such a project. In addition, steps will be taken to allow the residents and businesses in the area an adequate opportunity for review of the project and its implications for their communities.

The project offers a major investment and employment opportunity for the agricultural and aquacultural industries in Ontario. At the same time, it improves the efficient utilization of valuable energy resources. Similar projects to utilize reject heat are being actively considered by local officials for communities adjacent to Ontario Hydro's scheduled Darlington and Atikokan generating stations, and I have offered the support of my ministry to the communities concerned. Energy today, whatever the source, is too valuable a commodity to waste. Every effort must be made to achieve maximum use of energy and energy byproducts, wherever feasible.

The ministries of Energy and Agriculture and Food are also involved in energy-saving projects for existing greenhouse operations, using renewable energy and energy conservation measures developed co-operatively with a representative commercial grower. I look forward to a positive response to this initiative.

ALUMINUM WIRING

Hon. Mr. Grossman: I have two statements this morning. The first is on the mat-

ter of the aluminum wiring commission. Due to the government's grave concern and the public's grave concern over the whole matter of safety of aluminum wiring, I have approached Dr. Tuzo Wilson, the chairman of the aluminum wiring inquiry.

As members know, I do not think it appropriate to interfere with the day-to-day conduct and procedures of a commission. However, because of our concern, I have asked Dr. Wilson to complete his report as soon as possible. Dr. Wilson's original target was September 1978 for a report. Due to our concerns, he has agreed to report to me no later than April 1978.

This will place a considerable burden on Dr. Wilson and his staff. I do appreciate his co-operation and the personal sacrifices this may entail. Both his concern and ours, for the people affected, led him to agree to this accelerated schedule.

Mr. Warner: Get Hydro to fix up the problems in the meantime.

Hon. Mr. Grossman: Just relax.

Mr. Kerrio: You'd better get them to ban the wire, Larry. The cameras aren't running yet.

CONDOMINIUM LEGISLATION

Hon. Mr. Grossman: Mr. Speaker, I have already distributed the long-awaited copies of the Ontario Residential Condominium Study Group to members of the opposition who have expressed a key interest in its recommendations, and as well to the critics.

Mr. Cassidy: You are presenting it for Christmas. You waited until the very last minute so it would die over the Christmas season.

Hon. Mr. Grossman: I have done that specifically before question period today so that we wouldn't be subject to the accusation we waited until after question period—which the orders of the day would ordinarily call for—before tabling the report. As the members listening will know, there were delays entailed which ordinarily would have deferred the report from being tabled at all before the end of this session.

Mr. Speaker, we have not been able to review the report in depth but are distributing it now to interested groups and individuals to enable them to examine it at the same time as our own study of the recommendations is going on.

From my preliminary reading of it, I'm pleased to note that the report has taken a pro-consumers' stance. In fact, it recommends major changes to the Condominium Act and

other legislation to protect the rights of condominium owners in Ontario.

Mr. Cassidy: That's what we said two years ago.

Hon. Mr. Grossman: Yes, but these are sensible.

There are a total of 126 recommendations covering everything from municipal policies and services to condominium insurance, management and taxation.

Although we have made no decisions yet as to implementation, I would like to outline a few of the recommendations:

Recommendations one to four would set up an entirely new approval process which would, in essence, call for all conditions, standards and levies to be determined prior to the issuance of a building permit. Further, powers would be given to the municipalities to impose necessary development conditions rather than require a condominium development proposal to go through the Ministry of Housing by a subdivision process a second time.

Warranties: Recommendation seven suggests that warranties required by builders on materials and work performed by tradesmen should be transferred to the condominium corporation.

Insurance: Recommendations 35 and 38 ask that the condominium corporation be given the right and the obligation to insure the entire property. Now corporations usually have the responsibility to repair the entire property but don't have the legal status to insure against this potential liability.

Application of the Act: Recommendation 46 suggests the Condominium Act be amended to include a general provision that consumers cannot sign away or waive their rights under the Act.

Rescission: Recommendation 47 provides that prospective buyers should have 10 clear days after receiving all documents required by statute to cancel the agreement to purchase without penalties.

Binding contracts: Recommendation 62 suggests that if the developers' board signs a contract on behalf of the condominium project, it will only apply for 18 months unless the condominium corporation ratifies it.

Reserve funds: Recommendations 89 and 92 suggest a trust fund for the replacement of major capital items deposited with a chartered bank or trust company in a trust account separate from the condominium corporation operating accounts. The recommendation is that the Condominium Act should be amended to ensure that the trust

accounts are in the name of the condominium corporation.

[10:45]

Cost of repairs: This is covered in recommendation 91. If a unit owner does not pay the condominium corporation for repairs carried out on a particular unit, the corporation should be allowed to treat this unpaid bill as an arrear in common expenses. The money then becomes collectable by way of a lien.

Registrar of condominiums: Recommendation 107 calls for the establishment of the office of the registrar of condominiums under my ministry. The registrar would administer the Condominium Act and ensure that the rights of condominium owners in Ontario are protected.

Dispute resolution: Recommendation 115 would provide a two-tiered system for dispute resolution composed of local hearing officers and a tribunal. Administrative responsibility for such a system would rest with the registrar.

As a result of these and other recommendations, the Condominium Act could become much more than a set of regulations, passing instead into the realm of broadly based consumer protection legislation. Purchasing a condominium home is much more complex than buying a single-family dwelling. In addition to normal offer-to-purchase agreements, buyers must also review and understand such things as bylaws, rules and regulations, management agreements and budget statements. In addition to the complexity of the issue surrounding the purchase of a condominium, we have to look at the scope of the condominium market. With an estimated 1,000 condominium corporations and 100,000 individual condominium units in Ontario at this time, the recommendations of this report can affect the lives of more than a quarter of a million people, with more to come as new developments come on stream.

Mr. Speaker, because of the wide scope of the recommendations, I believe a new Condominium Act will result. Because of its importance to condominium owners, I would like to have the Act drafted for introduction in the spring of next year.

The report is being widely distributed to condominium corporations, associations and other interested parties. I hope they will study it carefully and provide me with written responses by the end of January. I would prefer a longer period of public review, but the importance of the new Act's effect on present and future condominium owners necessitates swift action. On the other

hand, there has already been extensive consultation and more than 250 briefs have been received from interested parties.

Mr. Speaker, it is my hope that those who reply to this report will address their comments directly to the recommendations and their implementation. Repeating earlier arguments and positions would slow development of a new consumer-oriented Condominium Act and would not be in the best interests of those most affected—the Ontario condominium owners.

I would like to read into the record, Mr. Speaker, the names of the six individuals who worked very diligently to conduct this study and to compile the comprehensive document which the hon. members have before them. They are R. L. Radford and Dianne Santo of the Ministry of Housing; Angus MacKay of the Ministry of Revenue; Marcia Synawich of TEIGA; Audrey Loeb Burns of my own ministry, and, finally Darwin Kealey who so ably, through a difficult period of time, chaired the study group.

At my request, Mr. Kealey has found time in his busy day today to make himself available outside the House after question period to answer any questions that the press and others may have.

On behalf of my ministry and the study group, I wish to thank all of those who participated in the consultation process and assure the House that the report will be dealt with expeditiously by my ministry.

ORAL QUESTIONS

HYDRO TRANSFORMER FIRE

Mr. S. Smith: Before I start, Mr. Speaker, is it the intention of the Minister of the Environment to respond on the point of privilege raised earlier before this House rises?

Hon. Mr. Kerr: Mr. Speaker, I think the hon. member could ask a question. I didn't hear the point of privilege that was raised by the hon. member.

Mr. S. Smith: Well, I am not going to argue much about whether it should be a question or not. I will basically reiterate. If you rule it's a question, Mr. Speaker, I will accept your ruling.

For the benefit of the minister, I drew the attention of the House a little earlier to what I believe to be very fundamental contradictions between the statements which the minister made in the House yesterday and the facts as they appear to be emerging. The first statement of the minister, to which I referred,

and to which with your permission, Mr. Speaker, I will refer again, is his statement: "Hydro knows full well the steps that have to be taken and the information that should be given to the firemen when they arrive at the scene." That was the first statement.

One John Smith, the platoon chief at the Adelaide Street fire hall, was the senior fire department official at the scene of the fire. He was contacted at 5:30 p.m. yesterday. He says he asked for the Hydro man in charge of the site and was told by a person there that the fire involved a new type of inflammable liquid used in the transformer, but he was not told that the material had any toxic qualities.

This was confirmed by Mr. Goyette, the assistant manager of the power service department for Toronto Hydro, who in today's *Globe and Mail* is quoted as saying: "Toronto Hydro has no contingency plans for such emergencies involving transformer fires containing PCBs."

The second point of apparent contradiction which I brought to the attention of the House is that the minister told us yesterday: "We advised all the employees and the firemen of what was involved here and what precautions should be taken. That information was given on the scene." The leader of the New Democratic Party asked, "To whom?" and the minister said: "To the Hydro employees and to the firemen. That information was passed immediately by our people from central region who attended on the scene at about 1 to 1:30 p.m. that day."

Mr. John Smith again says he was on the scene until the last firefighter left at approximately 11 a.m. and perhaps before that. In other words, the last firefighter left at least two hours before the Ministry of the Environment officials were on the scene. He, Mr. John Smith, was not aware yesterday at 5:30 p.m. of any particular dangers connected with the fire. He took no special precautions with respect to his clothing or equipment. This was confirmed by Fire Chief Bonser who said, and I quote from the *Globe and Mail* again: "His men weren't informed about the health hazards of PCBs until they read about it in the *Globe*."

The remaining contradiction was dealt with by the Minister of Labour where, I point out, before the Minister of the Environment's arrival she said she had been informed that the site had been entirely cleaned at this point—that was during yesterday's question period—where the minister must now know that the removal of soot covering the building would not even begin until last night.

The points which are therefore raised, are: First of all, why was this House given infor-

mation which appears to have been totally incorrect? Furthermore, why was there a lack of a Hydro contingency plan? Why was a fire that occurred at 7 a.m. not attended to until 1 p.m. by the people from Environment? Why were no attempts made to inform the firemen, the Hydro employees, the employees working in the building or passers-by of possible dangers? Why the delay in the clean-up? Why has it taken so many days before the clean-up has even been begun and when will it be completed?

Basically, why would the minister stand in this House and speak with such apparent confidence about events which allegedly transpired at the scene of such an important event and yet be proven to have been totally wrong in the statements he made in this House?

The question is, was he merely inadvertently misinforming the House; or was he himself seriously misinformed by his own officials, in which case may I remind the House of the almost frivolous question about ministerial responsibility we heard about yesterday from the Premier and his back-bench members?

Hon. Mr. Kerr: Mr. Speaker, first of all, when I mentioned that Hydro knows full well the procedure that is necessary in the handling of toxic material of that kind, I referred to Hydro generally. Certainly Ontario Hydro and the whole system, along with Monsanto, have disseminated material and information dealing with PCBs to all of the utilities. This information has been given now for a number of years on how to handle PCBs in the event of any type of emergency.

The hon. member is correct when he says there wasn't an effective contingency plan in operation when our people arrived there. That is true, and certainly the procedure will have to be improved in the future. But this information has been given by Hydro in co-operation with our ministry, and I would assume that wherever there is a transformer or equipment of that kind containing that type of liquid, all people are informed. I would think possibly that in some way the material or the equipment itself should be better identified.

Mr. Wildman: Yesterday you were going to sue them.

Hon. Mr. Kerr: But certainly contingency plans and information have been disseminated to Hydro.

The hon. member asked why our people only arrived on the scene around 1 o'clock. The fact is they were only advised of this fire a few minutes before that period. It's not possible for the employees of the Ministry of the Environment to know every type of fire

that may be going on in this area or in the province. It is the law that, in a situation like that, the Hydro employees should have immediately informed our ministry, knowing that a PCB liquid could be a part of the emergency resulting from that fire.

My information yesterday regarding the firemen was wrong and I apologize for that. I apologize for that.

Mr. Lewis: Why did you do it?

Hon. Mr. Kerr: The information I received yesterday was that there was still one or two firemen at the scene when our people arrived, and that they were informed that certain contingency plans, certain clean-up operations, must take place immediately.

Mr. Deans: Who gave you that information?

Hon. Mr. Kerr: That was information from within my ministry. I really don't know who that particular person was.

Mr. Lewis: You made it sound as though—

Mr. Speaker: Order, please. All members will have an opportunity for supplementary questions.

Hon. Mr. Kerr: But you can understand in an emergency of that kind that there would be some confusion.

Mr. Wildman: You are responsible for your ministry.

Hon. Mr. Kerr: But as far as the Hydro employees were concerned, of course they were on the scene, and it was there that they assisted our people and D&D Disposal to clean up the operation. You must remember that this fire took place in an underground station or a pit under the sidewalk, not in the building. It was then immediately that our people went into that pit to contain the PCB liquid that had flowed from the transformer. When I indicated that yesterday regarding completion, I had been told earlier this week the operation was completed, the clean-up of the liquid and the material and the containment of the soot in that area had been completed and it was on its way to New York for disposal.

As far as the soot on the building and the clean-up or the restoration of the building are concerned, it was indicated to me yesterday that the work would be completed yesterday. But because of the danger to pedestrians from the operations going on—the spraying et cetera that would go on to clean that building—it was felt this operation should be carried on at night when there aren't the same number of people walking around in front of that building.

Mr. Warner: They should have closed the street.

Hon. Mr. Kerr: I think that was probably a wise decision.

Mr. Wildman: Why didn't you close the street?

Hon. Mr. Kerr: The information yesterday was that if the men had started yesterday morning and were able to work right through, it was expected to be cleaned up yesterday. The operation was expected to be complete. I regret any remarks I made that would indicate it was completed yesterday at the time I made the statement at around 4:30 or 5.

So I did not attempt to mislead the House. There is always a certain amount of confusion resulting from a fire of this kind. It's regrettable that there is criticism of my ministry, because my ministry acted with dispatch and efficiency as soon as it was notified. It took control of the scene. It had the disposal company there cleaning up the operation, and, of course, it is still there assisting in the restoration of that building and the cleaning up of any soot.

I think it's important to keep this in perspective. I'm not saying that certain reports are exaggerating the situation, but my people feel that there is no danger to health from any vapourization of PCBs.

Mr. Lewis: How do they know?

Hon. Mr. Kerr: This is the information we're getting now and we're working with occupational health.

Mr. Lewis: From whom? There is no study—there is nothing.

Hon. Mr. Kerr: That's right. It's not complete. The information, the testing that was going on there and the analysis of the soot will continue—

Mr. Deans: I hope it isn't the same person who gave you the information yesterday.

Hon. Mr. Kerr: —so that we can complete any preliminary examination so we're exactly satisfied of whatever statistics or criteria will come out of that examination.

[11:00]

I am not sure what other questions the hon. member had. All I want to say is that my ministry officials acted with dispatch. The right people were there. There is no question that in a situation like that the firemen, I understand, do have instructions and there is information regarding the handling of contaminants in their literature.

Probably the most unfortunate fact here is the delay in calling our people in, and there is a breach there, because where there is any danger of a spill or exposure to PCB-contaminated material we have an emergency phone number that is supposed to be called regardless of where or when it happens.

Mr. S. Smith: The minister then agrees that in point of fact he inadvertently misadvised the House yesterday, and I can understand that he feels, Mr. Speaker, he was himself poorly advised by his officials. However, this was not a fire that occurred yesterday. He surely had sufficient time to make sure he knew all the facts of this matter, a potentially serious matter which may or may not turn out to be a health hazard, and we pray it turns out not to be, but we don't know.

Given the fact that he had enough time to check on this, how can he come before this House and tell us there is a Hydro contingency plan when apparently there is not? How can he justify the fact that the fireman we spoke to, who was the senior man on the scene, had still not been told but had to read in the *Globe and Mail* of the fact that there may have been a hazard to himself, and he still has not had his equipment and gear and clothing looked at? How can he justify the fact that he finds himself at a loss for what the real facts are, with no contingency plan, with nobody that his officials even talked to when they got to the scene, because there were no firemen there? How, days later, could he still not be properly informed about what happened at a potentially serious event?

Mrs. Campbell: It's called ministerial responsibility.

Hon. Mr. Rhodes: Something the member for St. George (Mrs. Campbell) will never have.

Hon. Mr. Kerr: Mr. Speaker, the hon. member must realize it is a Hydro contingency plan. Hydro is not under my ministry. Hydro happens to own equipment which contains PCBs. Hydro has the rules and regulations to be followed under our legislation regarding the disposal of old equipment or spent equipment containing PCBs. Ontario Hydro has advised the utilities—that is my information—about how to handle material of that kind in an emergency, whether it is a spill, an accident, a fire, or what have you.

If Hydro, or a hydro station, or Toronto Hydro, or any other municipal utility of that nature does not have a contingency plan then there should be one, but certainly the information is available to all hydro stations. We have made it plain what can result if there is not proper handling and containment of an accident of that kind. I suppose we should probably have people going around inspecting this or having questionnaires distributed to employees of Hydro, but we have left that responsibility to Hydro.

As far as the disposal of PCB-contaminated material is concerned, they have been doing it correctly, so that is all I can say about a

situation like that. Certainly this situation will improve matters in the future. There is no question about that. There will be contingency plans. If there is any question about people fighting those fires, the firemen themselves will have to be aware on the spot of situations like that. They carry their equipment. They have all the preventive equipment that is necessary. I would expect they would use it, but in a situation like that the firemen should be advised immediately they arrive on the scene.

Mr. Deans: By whom?

Hon. Mr. Kerr: By the people who own the building; the Hydro people; the people who rang the alarm, whoever is there; the workmen there, who were in that pit.

Mr. Deans: Why did they know?

Mr. Speaker: Order. We've been 16 minutes on the original question and one supplementary—

Hon. Mr. Kerr: Hydro should know, and the employees should know.

Mr. S. Smith: You have had five days to advise them. Why didn't you?

Hon. Mr. Kerr: Well, I would assume they were advised. My information is still that they were advised, even before the press release. However, if they were not advised, that again should be corrected. But I think the important thing is that they be advised when they arrive on the scene before the damage can take place, not three or four days after. That is where the real fault is here—the late arrival of my people, and trying to salvage and clean up after, when they should have been there right from the start. That's the only thing I can say and that is the type of thing that has to be corrected in the future.

Mr. Riddell: You'd better bring Everett Biggs back into that ministry.

Mr. Lewis: The minister is right, something has to be done to clean up. May I ask him a two-part supplementary, as briefly as I can. Since there doesn't seem to be any knowledge available from the existing literature about what might happen to human health in the event of short dramatic exposure at a level of up to 10,000 parts per million—the only parallel being the ingestion over a short period of time in Japan, but then at only 2,000 parts per million; never anything on record as high as this—why has this ministry not yet dealt with the workers in the building, beyond Hydro and the firemen—the workers in the building who were subjected to considerable smoke and vapour inhalation during the course of the fire it-

self? Secondly, since the minister had a member of his staff and a member of the Ministry of Health's staff and a member of the Ministry of Natural Resources' staff sitting on the federal task force on PCBs which reported on April 1, 1976, why has the minister not moved to provide an alternative to the PCB liquid in the transformers which that report indicated was a significant and continuing hazard?

Hon. Mr. Kerr: Mr. Speaker, I think first of all that the hon. member shouldn't make analogies that may, in some way, exaggerate or indicate a type of situation that doesn't exist. The short, dramatic exposure that the hon. member refers to is exposure to PCBs that may be contained in the soot. That's a lot different from ingestion, as talked about in Japan, at two parts per million, a great deal different.

Mr. Lewis: You can breathe it.

Hon. Mr. Kerr: It's over a long period of time, of consumption of fish, that there is a danger.

Mr. Lewis: No, it wasn't.

Hon. Mr. Kerr: That is the information that we have.

Mr. Lewis: Well then, you had better go back again.

Hon. Mr. Kerr: That is our information regarding the situation in Ontario or the situation in Japan. It is in eating contaminated fish over a prolonged period of time that the real danger lies.

Mr. Lewis: Excuse me, on a point of order, Mr. Speaker. It had nothing to do with fish. It was rice, rice that was soiled with the PCB content, and it wasn't a prolonged period of time. There may not be an analogy, but it is not on the basis of the facts the minister has been given.

Hon. Mr. Kerr: All right. Mr. Speaker, there is no question, as I said yesterday, that the workers who were involved were in that underground station that may be exposed to the PCBs and should be examined. There should be a health examination right now.

Mr. Deans: When?

Hon. Mr. Kerr: Right now. That can be done by Hydro, or it can be done by our occupational health people.

Mr. Warner: It hasn't started.

Hon. Mr. Kerr: We have indicated in information to Hydro that that should be done. We understand, for example, the firemen will be examined. They are doing that

on their own volition. And the same should be done with Hydro.

Mr. Foulds: It should be immediate. It should be systematic.

Hon. Mr. Kerr: The other point I want to make is regarding the task force. As I have indicated many times before, PCBs will be banned. Importation of PCBs will be banned through the federal Environmental Contaminants Act. The problem right now is to find a safe alternative, and that hasn't been found. They are working on that but it hasn't been found. It is my feeling, and I have made this submission to the minister on a number of occasions, that we should now bring in a regulation under that federal legislation to ban PCBs as of, say, January 1, 1979, or the end of next year or something like that, so that the industry knows we are serious and that they have to find an alternative.

Mr. Roy: Mr. Speaker, could I get up on a point of order, please? In view of the fact that close to 20 minutes was taken on this question, most of it on statements by the minister and on points of privilege raised yesterday and then again today—which should have gone in actually as a form of statement—isn't it fair to say that some time should be added to the question period and that the members here should not be penalized for the fact that he was late?

Mr. Speaker: It is unfortunate that the minister was not here when the hon. Leader of the Opposition raised this point of privilege. There were five minutes for the Leader of the Opposition to reiterate his point of privilege by way of question and another five minutes for the hon. minister to respond to the initial question. I will add five minutes to the question period.

Mr. S. Smith: Mr. Speaker, I certainly regret the length of time that was involved.

TEACHERS' SUPERANNUATION FUND

Mr. S. Smith: I will ask my second question of the Minister of Education and it is on a topic that the Treasurer attempted to answer yesterday. I must say I did not quite grasp his answer at that time.

The Teachers' Superannuation Fund and the comments of the Provincial Auditor in his most recent report regarding that: Does the minister agree, first of all, that the Provincial Auditor has reported that there was an obligation to place \$144 million, more or less, plus some back payment of \$65.9 million, into the fund just for the purpose of dealing with the

annual payments required to amortize the unfunded liability?

If he agrees with that which appears to be in the report and if he will agree that that adds up to approximately \$210 million—can he tell us, please, whether he put that full \$210 million into the fund for this year and, if so, by what route, since the only payments to the fund that we seem to be able to track down are the supplementary estimates of \$102 million and the original \$105 million which are apparently matching contributions, having nothing to do with the amortization of the unfunded liability? Can he tell me, please, did he put in the \$210 million and if so, by what route?

Hon. Mr. Wells: Mr. Speaker, I would like to suggest that my friend put that question on the order paper so we can have it properly analysed and answered. All I can say to him is that the members of his caucus were at the committee the other day when we debated the supplementary estimates. It was all explained very clearly. We are putting into the Teachers' Superannuation Fund everything that we are legally required by law to put in and that we were required in the form of matching payments to put in under the arrangements of the plan.

Mr. S. Smith: Mr. Speaker, I am not sure how to take this type of answer. The fact is that there is some obligation reported on by the Provincial Auditor, given the fact that there is that obligation of \$210 million and that we, on this side of the House, have seen estimates for only \$102 million.

Hon. Mr. McKeough: Put it on the order paper.

Mr. S. Smith: I asked where the rest of the money has come from and how he and his friend the Treasurer have managed to come up with the \$108 million, by what route? Is this some Management Board order? Is this some type of secret deal? Where does the money come from?

Hon. Mr. McKeough: You are over your head.

Mr. Roy: We know we are getting to you when you wake up.

Mr. Cassidy: The mountain is rumbling.

Hon. Mr. Wells: Mr. Speaker, we debated this for an hour and it was indicated that all the money that had to be put into the fund this year will be put in. If my friend would like to put the question on the order paper we will give him a completely documented written answer. But I can assure him, the money that has to be put into the fund by law is being put into the fund.

Mr. S. Smith: My final supplementary, if I might, since we are not going to get an answer: can the minister tell us—

Mr. Speaker: Order. If you don't expect to get an answer, you cannot ask the question.

Mr. S. Smith: I live in hope, Mr. Speaker. I live in hope.

Mr. Speaker: The minister has suggested that if you want a more detailed response that you put it on the order paper and that is quite a legitimate request for the minister to make. I think any further supplementary is inappropriate.

[11:15]

Mr. S. Smith: To put the question on the order paper properly, I would want to know first of all whether this money that he says is being put into the fund is what he's now including in money which will allegedly be part of the new rewriting of the Edmonton commitment? Will it have to be met entirely out of property taxes? Is that the lump sum that the minister is now putting on to his new interpretation of the Edmonton commitment, so that property taxpayers are going to have to do it for him, and if not, where's the money coming from?

Hon. Mr. Wells: Mr. Speaker, my friend is confusing two things completely.

Hon. Mr. McKeough: He certainly is. He needs a good holiday.

Hon. Mr. Wells: There's been no suggestion under the Edmonton commitment or from anything that this government has said that anything concerned with the payments to the Teachers' Superannuation Fund would be transferred from the government to the property taxpayer at the municipal level.

Mr. Swart: No, you'll just reduce it from the grants.

Mr. S. Smith: Which you have done.

Hon. Mr. Wells: That has never been done and it has not been suggested.

Hon. Mr. McKeough: The Leader of the Opposition is so mixed up. He needs a good holiday; he really does.

An hon. member: The Treasurer has got a long one coming.

Mr. Speaker: Order. Does the member want a response?

An hon. member: Put it on the order paper.

Hon. Mr. Wells: The Treasurer has indicated that although we are paying it and there is no suggestion that this cost be transferred to the municipal property taxpayer—

Mr. S. Smith: Just subtract it from your grants. That's all.

Hon. Mr. Wells: —surely my friend understands the system enough to know that is a payment on behalf of the employees of a municipal agency by this government and could quite legitimately be counted as part of the support this government gives to local government.

Mr. S. Smith: Sure it can. Just subtract it from their grants.

Hon. Mr. McKeough: Certainly.

LAYOFF OF NICKEL WORKERS

Mr. Germa: A question of the Premier: Is he aware of, and does he appreciate, the mood of anger and frustration present in the Sudbury basin as a result of the announced layoffs at Inco and Falconbridge? This feeling is so intense that it motivated 30,000 Sudbury citizens to sign cards petitioning the Premier to take action to alleviate the layoffs.

I would ask the Premier to respond to the demands enunciated by these 30,000 signatures:

1. Government action to force Inco and Falconbridge to rescind the layoffs;

2. An end to tax concessions to industries which are not tied to new jobs for Canadian workers;

3. An industrial strategy that will provide for diversification of the northern economy with a dynamic manufacturing sector tied to the resource base.

How does the Premier respond to those?

Hon. Mr. Davis: At the outset I would like to say to the hon. member that I appreciated when he gave me, in a very relaxed sort of setting last evening, not notice of the question but notice that he had something which he construed as a Christmas present. I see what he wants to give me and I would suggest, for the convenience of the pages, that he not have it all transferred immediately to my desk; when I have answered the question or—he wants me to have these petitions—perhaps when the House prorogues he could ask the pages to take them directly to my office; it would save some measure of effort.

Mr. Laughren: Will you answer the questions?

Mr. Cassidy: Will you answer them?

Hon. Mr. Davis: I obviously can't answer all of them by Christmas.

Mr. Laughren: You've got a big enough staff.

Hon. Mr. Davis: In that the hon. member was kind enough once again to give me the

one he has signed personally, I will attempt to draft a reply and send it to the hon. member, who in turn might circulate that reply to all of those who have submitted these petitions from his constituency.

Mr. Wildman: You have been talking about industrial strategy for almost 10 years.

Mr. Martel: You have the names and addresses. We don't.

Mr. Warner: It would involve about 100 of your staff.

Hon. Mr. Davis: I listen to the hon. member for Scarborough-Ellesmere. Does he want me to add 100 to the staff to reply? Is that what he wants?

Mr. Warner: No, the Premier should just use the 100 he's got sitting around.

Mr. Roy: Give Darwin Kealey the job.

Mr. Speaker: Order. The Premier will ignore the interjections.

Hon. Mr. Davis: In reply to the three suggestions in the petition, I have already stated our concern. I think I can sense the frustration that is being felt in the Sudbury area at this time. The government, with the support of the members opposite, of course, has established the select committee, which has now had its period of time extended to bring back any suggestions that might be worthwhile for consideration by the House when we meet in February.

Dealing with the second part of the question, that could lead me into a very lengthy discussion, and I think I sense what the hon. member is suggesting. I would only say that we have to be very careful, in discussing this issue with the public, that there isn't a misunderstanding. While the hon. member may disagree with certain tax policies that exist here, I would only say to him that they are related to our desire to see the economy of this province continue to grow. I think the tax policy that currently exists is in the interests of the people of Sudbury. The hon. member may disagree with this, but we happen to believe that it is.

On the third point, the question of an industrial strategy to locate more secondary industry in northeastern and northwestern Ontario, of course, the government supports this as fully as the hon. member.

Mr. Cassidy: You don't do anything about it.

Hon. Mr. Davis: It is not as easy to accomplish. We've discussed this before.

Mr. Cassidy: You've had 33 years.

Hon. Mr. Davis: The hon. member can assure his constituents, those who sent those

petitions through him to me, that we certainly agree with the third point that is in the petition; and he may take that message home over the Christmas holiday period.

I can't help but observe, Mr. Speaker, that quite obviously the hon. member and his constituents didn't have total confidence in the mail system. I assume these were all delivered to the hon. member and he, in his own inimitable fashion, carried them by hand here to Queen's Park. I want to compliment him for that singular accomplishment. If he would bear with me and transfer them directly to my office, it might save a lot of this paper passing back and forth here in the House.

Mr. Germa: I will certainly take the Premier's advice, but it was a demand upon me by the signatories to the petition that I do this in the public forum.

My supplementary is, does the Premier understand the level of anger in the community and is there a connection between this anger in the community and the two transformer stations which were blasted last week by dynamite?

Hon. Mr. Davis: Perhaps the hon. member could tell me whether there is any such connection.

Mr. Turner: Tell us.

Mr. Germa: There is.

Mr. Laughren: Mr. Speaker, is the Premier aware of the federal government interdepartmental report which states the following: "The relative importance at Inco's Sudbury operations comes into question when one considers that Inco has recently been bypassing the low-grade ores in favour of the higher-grade ores in the Sudbury area. The company either mines around these low-grade ore bodies or uses them as mine fill?"

Is the Premier aware of that study? When is he going to move and intervene in a meaningful way to protect the non-renewable resources of this province?

Hon. Mr. Davis: Mr. Speaker, I find some slight contradiction in that question. If the hon. member is saying we should intervene to protect the non-renewable resources, I think that is in some way a contradiction to the desire on the part of members opposite, and certainly to the desire on the part of the government, to see that these resources are better utilized, that people are put back to work—

Mr. Foulds: Exactly. That is the point he is making.

Hon. Mr. Davis: —and that Inco and Falconbridge secure the markets and, as a result, provide employment for the people of that area.

I think there is a basic contradiction in what the hon. member states in his question. I am not familiar with the federal document, no. I will bring it to the attention of the chairman of that cabinet committee, who also happens to be the Minister of Natural Resources (Mr. F. S. Miller).

Mr. Martel: A supplementary: Since the Premier says he is interested in providing jobs in the mining sector, is he aware that for the past 10 or 12 years the production in the mining field has increased by 44.5 per cent while the number of people working in that industry has declined more than six per cent? How do those statistics indicate this government is worried about jobs when, in fact, the production almost doubles and the number of workers declines?

Mr. Laughren: Thanks to the Minister of Northern Affairs (Mr. Bernier).

Hon. Mr. Davis: Mr. Speaker, I think the hon. member has highlighted one of the problems that a society like ours is faced with. The member for York South (Mr. MacDonald) could ask the Minister of Agriculture and Food (Mr. W. Newman) exactly the same question. He could say to the Minister of Agriculture and Food, "How come the farmers of this province, who as a percentage of the total or in total numbers are less today than they were 10 years ago, are none the less producing two, three and four times the amount of food?"

Mr. Laughren: It is a silly analogy.

Mr. Riddell: I have a question I am going to ask the minister.

Hon. Mr. Davis: The member will get his turn later.

Mr. S. Smith: That's productivity.

Hon. Mr. Snow: The member for Sudbury East doesn't want productivity.

Hon. Mr. Davis: Perhaps he doesn't want to see these industries competitive. I am just very thankful that Inco and Falconbridge are competitive in the world marketplace.

Mr. Martel: What about the secondary industry? That is the problem.

Hon. Mr. Davis: Oh, come on. The member is changing his tune.

Mr. Martel: No, I am not. It shows the government has nothing to take its place.

Mr. Foulds: Supplementary: If the Premier's government is, in fact, interested in meeting the third demand outlined in the petition, why it it that the Ministry of Industry and Tourism over the last 10 years has emphasized the development of tertiary service industries that supply low-paying seasonal jobs and has had its major concen-

tration in the north in that area, rather than emphasizing the development of secondary manufacturing industries based on the resources in the north? Does the government have concrete plans at this stage to reverse that priority?

Hon. Mr. Davis: With great respect, if the member is talking about the north, the northeast and the northwest, I would think the government's commitment has been clearly demonstrated. He should be more aware of this than anyone in this House, with the exception of the hon. member who lives next door and who is aware of it, because the rather significant industrial plant, which is in secondary manufacturing, in Thunder Bay. It has been given a most significant contract by this government, both in the short term and long term. That is a clear indication of this government's commitment to secondary industry in northern Ontario. If he thinks his constituents don't believe that, I suggest he should go home for Christmas and say to his constituents he is not interested in that contract and that he really feels Hawker Siddeley shouldn't be building those cars.

Mr. Foulds: That is nonsense and the Premier knows it. That is a complete distortion of the truth and he knows it.

Hon. Mr. Davis: I challenge him to do it. He hasn't got the nerve.

Mr. Foulds: Why has the government invested so much? The Premier didn't answer the question.

NUCLEAR WASTE

Mr. Germa: I have a question for the Minister of the Environment. In all of the hysterical gyrations I see going on to relieve the pressure on the city of Sudbury, is the minister going to allow the final indignity to be heaped on the city when someone suggested that our empty mining shaft should be used as a disposal site for nuclear waste?

Hon. Mr. Kerr: That is before the ministry at the present time. Apparently, they will contain that material in a cement encasing and put it down 2,000 feet in an abandoned mine shaft.

Mr. Lewis: Oh, come on!

Hon. Mr. Kerr: That application is before us. We haven't approved it but that is a suggested method of disposing of that waste.

Mr. Germa: Supplementary: Is the minister suggesting this stuff will be recoverable at any point in time when it would become dangerous, such as breaking open and starting to enter the water table?

Hon. Mr. Kerr: According to the application of the proponent, there would be no chance of it breaking open if it was encased in a cement casing. That is the claim by the proponent. As I say, we haven't approved that certificate or that method.

Mr. Germa: Who is the proponent for this exercise?

Hon. Mr. Kerr: I believe it's Falconbridge.

Mr. Cassidy: Supplementary, Mr. Speaker—

Mr. Speaker: There have been enough supplementaries. The hon. member for Huron-Middlesex.

Mr. Foulds: Hasn't he ever heard of a cave-in at a mine shaft?

Hon. Mr. Kerr: It is an abandoned mine shaft.

Mr. Cassidy: That stuff lasts for 25,000 years.

[11:30]

FINANCIAL PROTECTION FOR FARMERS

Mr. Riddell: I have a question of the Minister of Agriculture and Food. Has the minister been following the Outlook conference in Ottawa this week and has he read reports entitled: "More farmers quitting; Slump predicted for apple growers; Farm machine sales to drop" and many other such headings?

Does it not concern the minister that so little attention is devoted by this government to the plight of the farmers and the millions of dollars and the thousands of jobs which have been lost in farming and in related industries and services in Ontario, compared to the spontaneous reaction of this government to sudden cutbacks, as unfortunate as they are, in such companies as Inco and Falconbridge?

Mr. Foulds: What reaction?

An hon. member: There goes the Liberal vote in Sudbury.

Mr. Martel: With the waste uranium.

Mr. Riddell: In view of the fact that farm incomes have declined by 11 per cent to the end of this year and are predicted to decline another five per cent next year, has the minister predicted what this is going to cost the Ontario economy in terms of dollars and in terms of jobs? What measures are the minister and his colleagues over there going to take to bring some stability to this primary industry in Ontario?

Hon. B. Stephenson: Absolute hogwash, and you know it.

Hon. W. Newman: I don't need any help.

Mr. Warner: You need all the help you can get.

Hon. W. Newman: Let me say this: Let me just tell the members opposite one or two things about the agriculture industry in the province of Ontario. It's the most efficient in the world, to start with. They sit over there and talk about jobs. There are 800,000 jobs in agriculture-related industries.

Mr. Roy: Bring on Gene Whelan.

Mr. Conway: Where is Bill Stewart?

Hon. W. Newman: Those jobs are important. They are very important. But the members opposite sit over there, and I haven't heard a word from over there at all about what was said in the House this morning by the Minister of Industry and Tourism (Mr. Bennett). It will be two years this January that I have been talking about it. If we are going to have an agriculture industry in Canada, we have two major things we have to be concerned with at the national level before we can develop a five-year program in the province. We have to know what they are going to do down there.

Mr. Ruston: Passing the buck.

Hon. W. Newman: We have not passed the buck. We have carried our own all the way and the farmers in the province know this.

Let me tell the members opposite this: With regard to the negotiations that are coming up with Ottawa right now, I suggest they talk to their counterparts. We are going down on Monday to do it—and the members opposite have an obligation to do it, too. Yes, they do, because that's what is going to make agriculture viable in this country. That and a truly national stabilization program—

Mr. Conway: Why don't you just move to Ottawa and stay there? Just go down to Whelan's office and stay there.

Hon. W. Newman: You know, the great federal government of Canada believes in dividing and conquering—

Some hon. members: Oh, oh.

Hon. W. Newman: Oh, yes. And it's time we started to pull together to make the agricultural industry of Canada work properly.

Mr. Conway: I thought you favoured national unity.

Hon. W. Newman: We have done, and we will continue to do, our share on behalf of the farmers of this province.

Mr. Riddell: Supplementary: It is all well and good to blame the federal government

for everything, but in light of the declining farm incomes, reflecting the low prices that farmers are receiving at the farm gate, and in light of the articles that we read that food prices are the major contributors to the rising cost of living, why doesn't the minister commission a study into the processing, distribution and retail trade to ascertain just where the ripoff is taking place?

Hon. W. Newman: I didn't think I had to elaborate again to the members opposite the various programs we have brought forward in the province of Ontario. We have shouldered our responsibilities as far as the agriculture community is concerned. If the members opposite will check with the farm organizations, they will find we are in tune; maybe they are not, but we are. We have concerns; we always will. We brought a stabilization program in here. Corn is involved in the program this year.

There are a lot of other programs that I could talk about—the capital grants program and all our other programs and services to farmers. We deal with them at the grass-roots level in our ministry. I get out there, and the members opposite know that.

The hon. member talks about food prices. Yes, the consumers have never had a better bargain in their life than they have in food. In this country they buy food with 16 per cent of their disposable income. They should be prepared to pay a little more—

Mr. Roy: You are plagiarizing Gene Whelan.

Hon. W. Newman: —if they want to preserve our agricultural land and our farmers on the land. Thus we have our promotional program to sell Ontario products. I am glad to see that some of your members are helping us promote that. The farmers have to make a decent living; nobody is more aware of that than I am. And nobody is more committed to trying to help them make a better living than I am. Don't forget that.

Mr. Speaker: The hon. member for Algoma.

Hon. B. Stephenson: The great farmer.

Hon. Mr. Rhodes: He couldn't raise a disturbance.

Mr. Deans: Oh yes he could.

Mr. Wildman: Could the minister indicate when he expects to complete the study into the high cost of food in the small, isolated communities of the north?

Hon. W. Newman: Mr. Speaker, I didn't hear that question. There were too many side remarks.

Mr. Warner: The minister's colleagues are unruly.

Mr. Foulds: The Minister of Northern Affairs should keep quiet.

Mr. Martel: That's his first contribution ever.

Mr. Wildman: If I could repeat the question: In line with what the member for Huron-Middlesex was asking, when does the minister expect to complete the study into high food costs in the small isolated communities in northern Ontario, that he indicated he would do during the Ministry of Agriculture and Food estimates?

Hon. W. Newman: I think if the member will remember, the question he asked was about a specific town—I believe it was White River, not all of northern Ontario—because of the lack of competition there. I made a commitment during the estimates that we would look at that, and yes, we will be looking at it.

Mr. S. Smith: In the fullness of time.

Hon. W. Newman: In the fullness of time.

Mr. Makarchuk: That means never.

HOSPITAL EMPLOYEE BARGAINING

Mr. Duksza: A question to the Minister of Labour. Will the minister implement the recommendations of the Johnston inquiry, tabled in 1974, which called for province-wide bargaining in hospitals, as negotiations are now under way regarding contracts which expire March 31, 1978? Does the minister not think the time has come to move on the subject?

Hon. B. Stephenson: I think significant progress has been made towards the recommendation suggested by Mr. Johnston in that report. Indeed, most of the hospitals in the southern part of the province do bargain on an organized basis. They resolve local issues locally, and those issues which cannot be resolved locally and certain other issues are taken to a central table.

This has been a rational move in the direction suggested by Mr. Johnston. I think the measure of success is an indication of the rate at which we should move in that direction, and indeed whether we should move totally in that direction. I think it's wise to learn from the experiences of the negotiators and the groups involved in negotiations during the past three years, in order to make rational decisions about whether we should move further.

Mr. Duksza: Supplementary: I didn't ask the minister whether the individual hospitals are negotiating; I know they are doing that. I'm asking whether the minister is moving towards instituting province-wide negotiation, the way it has been done in Alberta,

Saskatchewan, Manitoba and British Columbia, and the way she has done it in the construction industry; that's what I'm asking her.

Hon. B. Stephenson: It's all very well to suggest province-wide bargaining for hospitals in Alberta and Saskatchewan. In Saskatchewan the number of hospitals is large but the number of people involved is relatively small. There are more people involved in bargaining in at least three or four hospitals in Toronto than there are in bargaining for all the hospitals in the province of Saskatchewan. So they're really not comparable.

I am not suggesting that we will move legislatively in this direction at this time. I just said that it was wise to gain experience in gradual moves in that direction to determine the wisdom and the validity of such a move before suggesting any such legislation.

MANAGEMENT STUDY

Mrs. Campbell: My question is to the Minister of Community and Social Services. In view of the fact that his ministry has paid \$328,347 to an organization for the training of persons under the Vocational Rehabilitation Services Act without a formal arrangement or contract, is the minister prepared today to table in this House the management consultant's report?

Hon. Mr. Norton: No, Mr. Speaker, I am not. I will even give the hon. member the reason; again.

Mr. Martel: Quit while you are ahead.

Hon. Mr. Norton: I have received a final draft copy and within the next week, I and the other members of the steering committee are to meet with the consultants to finalize the report, at which time it will be produced in sufficient quantity to be circulated among the senior members of my management committee in the ministry. As I indicated to the member in the estimates when she raised this question, I feel my first obligation is to deal with the report with my senior management group, and only after that will I consider whether it is appropriate to table it in the House or make it public.

Mrs. Campbell: Supplementary, Mr. Speaker: Would the minister not believe that in view of the serious question of his ministry in the item to which I referred that he should view the matter rather more seriously than he has done? How long has he had that report?

Hon. Mr. Norton: I believe I received the draft copy of the report about a week ago—

Mrs. Campbell: At the time you told me you didn't have it.

Hon. Mr. Norton: —and have been reading it and reviewing it since that time so I can prepare for the meeting with the consultants in the next week. I am sure the hon. member realizes that I do have other things on my plate at this point.

Mrs. Campbell: Oh, you do indeed.

Hon. Mr. Norton: I am glad that she will acknowledge that. I really don't know where the hon. member gets the idea that I don't take all aspects of my ministry very seriously.

Mrs. Campbell: Because of the answers you have given this House.

Mr. Roy: Just the evidence; we look at the evidence.

Hon. Mr. Norton: That is precisely why we have embarked upon this very serious question of looking at the possibility of the review and perhaps reorganization of the management structure.

Mr. McClellan: I have a supplementary, Mr. Speaker. Could the minister say if it is a fact that the management consultant report has recommended that Dr. Crittenden, the deputy minister, should be replaced?

Hon. Mr. Norton: Absolutely not.

Mr. Lewis: By way of supplementary, if I may: Since rumours are very strongly rife and unusually well placed that the management report suggests certain substitutions be made in the most senior staff of the ministry, how about tabling the report in order to dispel these impressions?

Hon. Mr. Norton: Mr. Speaker, I don't wish to be repetitious. I will not table that report at this time because it is not yet even finalized.

Mr. Foulds: Which sections are you going to take out?

Hon. Mr. Norton: But I can assure the member that if he has heard the kinds of rumours that he is suggesting—

Mr. Lewis: Very strong rumours.

Mr. Makarchuk: We got copies before you did.

Hon. Mr. Norton: —they are absolutely fallacious.

Mr. Lewis: Well prove it.

Hon. B. Stephenson: The member for Bellwoods (Mr. McClellan) started the rumours.

Mr. Lewis: If he started it, it's from a very good source, I may say; utterly reliable.

Mr. Cassidy: You guys hide everything.

Mr. Speaker: We are wasting time.

SOUTH AFRICA BOYCOTT

Mr. Swart: Mr. Speaker: my question is to the Premier. In view of the escalating oppressive policies of the South African government against the blacks there, symbolized by the brutal death of Steve Biko, does he not think it is time his government exercised some sanctions against South Africa? In particular would he start by instructing the Liquor Control Board to stop buying South African wines?

Mr. Breithaupt: You are the people who said they should be allowed to vote here.

Interjections.

Hon. Mr. Davis: Mr. Speaker, I sense the parties opposite want to have a debate. If they want to have it, I will sit down. Would the member like to do that?

Mr. Kerrio: Oh, you wouldn't do that.

Mr. Roy: You are the same way; you allow them to vote in this province.

Hon. Mr. Davis: And you don't want people to vote in this province?

Interjections.

Hon. Mr. Davis: I have to tell the member for London Centre (Mr. Peterson)—no, I won't; it is too close to Christmas.

Mr. Speaker: Talk to the member for Welland-Thorold (Mr. Swart).

Hon. Mr. Davis: I have to remind him how in-laws vote. In fact, they still have hopes for him.

Mr. Speaker, in reply to the very important and serious question raised by the member for Welland-Thorold, my own personal views, and I am sure the views of my colleagues, with respect to the policies of the government of South Africa I think do not need to be stated in this House. I don't think we need to debate that here; I don't sense any differences of opinion. I think the question of whether or not this province should become involved in questions of economic sanctions—whether the hon. member genuinely feels that this would be a proper response, whether it would produce anything that might alter the situation or improve it—I think that is something that would have to be assessed very carefully and very objectively.

[11:45]

This issue has been raised before. There is no question that some products from South Africa, not just in the LCBO but in other retail outlets in the province, are being sold. I think there are arguments on both sides. Do you influence policy, do you correct situations with which you don't agree in a country that is several thousands of miles away from here by this sort of activity?

I must confess I am not prepared to say at this moment that would serve that kind of purpose. I don't want there to be any misunderstanding whatsoever on the part of the member for Welland-Thorold that I personally, while it isn't a matter of provincial jurisdiction necessarily to comment on the internal policies of a nation of this world, am totally opposed to it, as I am sure he is; and I think I speak for my colleagues. Whether or not the suggestion he makes would be useful, solve any problem or serve any real purpose, is something that I would like to assess very carefully.

Mr. Swart: Supplementary: Is the Premier not aware that the provinces of Saskatchewan, Manitoba and British Columbia have instituted this kind of boycott? And in view of his excursion into international waters by his statement this morning, does he not think that this government could show at least a little displeasure with what is being done in South Africa by instituting this boycott on the sale of wines here?

Hon. Mr. Davis: Mr. Speaker, I guess that one could, if one wanted to carry this to its ultimate conclusion, get into a discussion as to whether this government supports or does not support the internal policies in a number of nations of this world. This is where I think one starts getting into some very difficult areas in terms of what it is that one objects to personally in South Africa—

Mr. Swart: This is new; this is new.

Hon. Mr. Davis: —what reservations one might have about the internal policies of some other countries.

Mr. Swart: It is new and it is worsening.

Hon. Mr. Davis: To put it into perspective, I am sure there are other nations in the world where one can't support what they are doing in terms of policy or principle or ideology. I think one has to think this thing through very carefully.

The minister has just passed me a note. Not that it alters the situation at all, the percentage of South African wine—

Mr. Swart: It's 1.3 per cent.

Hon. Mr. Davis: Yes, 1.3 per cent out of the total. I just am not going to give the hon. member a commitment on a matter of this kind as it relates to the province of Ontario at this moment, but I don't want there to be an misunderstanding about my own view as to the policies of that country.

Mr. Swart: You can't be that disturbed if you won't do it.

Hon. Mr. Davis: I suggest to the hon. member that he just go through a list of half

a dozen other nations and ask himself in his own conscience whether or not he agrees with what they are doing and whether this country should alter its trade policies as it relates to those countries as a way of solving the problem.

Mr. Lewis: I think South Africa is in a class of its own in the international community.

Hon. Mr. Davis: Sure, on this particular issue. But there are others.

BRADLEY-GEORGETOWN HYDRO CORRIDOR

Mr. Reed: I have a question of the Minister of Energy. In thanking the Minister of Energy for agreeing to ask cabinet for an outside study on the Bradley-Georgetown hydro corridor, a study requested consistently since 1973, would the minister accept this copy of Hydro's application for an official plan amendment of the town of Halton Hills? It clearly shows a corridor north-south through Halton Hills, 750 feet wide minimum and 1,750 feet wide maximum. Based on this document will he undertake to correct the answer to a question which he gave last week denying that this was so? I specifically refer to section 3, page 2, of this document entitled Location of Lands Affected.

Hon. J. A. Taylor: Mr. Speaker, I would be happy to accept that particular document. It could have been done with less drama.

Mr. Peterson: Stop telling us how to behave. We are doing pretty well over here.

Hon. J. A. Taylor: The member for Halton-Burlington no doubt refers to the meeting that I had with the interested citizens' group. May I correct the headline of that particular article in the paper? What I said was that I would pursue the three principles that were of great concern to that delegation; that is, it seemed certain that Hydro could save time, money and achieve a more secure system if it went that other route.

I indicated that I was interested in obtaining the facts in regard to those three matters, that I would do so—and I fully expect to have something on those matters before the day is out—and that I would discuss those matters with the Premier and cabinet. Then, of course, any alteration in the government's position in regard to that route would have to come from that source.

I want to make it abundantly plain that I did not undertake to obtain an independent report, which would take something like four months. That was not the substance of my undertaking to that particular delegation. I

might reassure the member for Halton-Burlington that the delegation seemed quite satisfied that I would look objectively at its representations and get back to it next Wednesday.

SCHOOL CONSTRUCTION

Hon. Mr. Wells: Mr. Speaker, the hon. member for London North (Mr. Van Horne) asked me a few weeks ago if I could give him the number of capital building projects requested and approved in the current year. There were 560 projects requested and 130 were approved. This was for a total of \$375 million requested and we were able to accommodate \$88 million of the requests.

CONDOMINIUM LEGISLATION

Mr. Philip: I have a question of the Minister of Consumer and Commercial Relations. Am I correct in assuming from his statement in introducing the Kealey commission report to the Legislature that the only process for public input will be by way of written submission to the minister before January 31? Is that my understanding?

Hon. Mr. Grossman: Yes, it is at the present time.

Mr. Philip: In the light of the interest in this particular area, as evidenced by the number of presentations made to the Kealey commission by members of this party and members of the other opposition party, would the minister be willing to table the responses he has had from the various interest groups in order that we might have the most intelligent debate when the legislation eventually comes down? Would the minister also approach his House leader with a view having an open debate in this House scheduled for early in February on the Kealey commission recommendations?

Hon. Mr. Grossman: The answer to the first question is yes, I would be pleased to make available any communications that come to me pursuant to my invitation to the Condominium Federation and others to make submissions in January, and I will make those available to members as soon as they are in.

Secondly, the answer is, after the end of January, obviously members will understand it takes a great deal of work to compile all the information we will be receiving and to make some careful consideration of the recommendations, the cost implications of some of them, the policies involved and to reflect upon the responses we get in January. I don't think an early debate on the report

itself would be terribly helpful because, as the member well points out, the parties have had their opportunity to make their views known with regard to the general principles involved before the study group.

Now that members have the report—and I did, seriously go to great pains to provide it to them at this time so that they would have the Christmas break to study it—I hope they will please make some representations to us and let us know what they would ordinarily say during a free-ranging debate early in February in the House, if the House were sitting then. I would very much appreciate the members providing us with the comments they might otherwise make in the debate process in February. I think what would be much more helpful is if, as soon as the submissions are in, my staff and I sat down with a view to presenting for cabinet consideration some recommendations with regard to the frame and substance of a new Condominium Act. That will be necessary, because in order to draft the necessary legislation—it would be very long and comprehensive—legislative draftsmen would require a good two or three months to come up with a sensible piece of legislation.

The member therefore will understand the time limits, in view of my desire to have a bill in the House and passed by the House before we rise next June or July. Because of the time limitations, I would urge those persons who will be getting copies of this to make their representations to us in January—and that includes all members of the House and the public—so that we can move on it expeditiously.

Mr. Philip: One final supplementary.

Mr. Speaker: The time for oral questions has expired.

Mr. Roy: Well, we'll see the Attorney General (Mr. McMurtry) in the new year.

REPORT

CONDOMINIUM STUDY GROUP

Hon. Mr. Grossman presented the report of the Ontario Residential Condominium Study Group.

MOTION

BUSINESS OF THE HOUSE

Hon. Mr. Auld moved that notwithstanding standing order 2(a), the House will continue in session today until it is prorogued by the Honourable the Lieutenant Governor.

Motion agreed to.

INTRODUCTION OF BILLS

DISCRIMINATORY BUSINESS PRACTICES ACT

Hon. Mr. Davis moved first reading of Bill 129, An Act to prohibit Discrimination in Business Relationships.

Mr. S. Smith: It's about time.

Motion agreed to.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Davis: Mr. Speaker, before the orders of the day, I notice on the government House leader's desk—and I'm sure the members opposite wouldn't want not to have the answers to these questions—the answer to question 57. (See appendix B.)

Mr. S. Smith: He may not have intended to give them.

ORDERS OF THE DAY

CONCURRENCE IN SUPPLY, OFFICE OF THE PREMIER

Mr. Roy: Mr. Speaker, I would like to speak on the concurrence. Thank you, Mr. Speaker. The look you gave me there all of a sudden frightened me and I was just ready to back off and just accept the slings and arrows from the Chair.

I've been looking forward for some time to participating in this concurrence involving the Premier. I can understand that the Premier has other pressing matters. I have discussed with him the fact that he will be listening attentively on his box and occasionally I'll see flashes on his microphone when—

Mr. Peterson: Do you have a box at the Albany Club, Bill?

Hon. Mr. Davis: I will interject from the meeting.

Mr. Roy: Yes, interject from the meeting. I would point out to the Premier, though, and to my colleagues here who may well wonder why it is Saturday morning and we haven't dealt with this concurrence before, that all week long I was told by the House leader—

Mr. Peterson: What day is this? Friday morning.

Mr. Roy: Is this Saturday or Friday?

Mr. Peterson: Friday.

Mr. Roy: All I know is it's been a long week, Mr. Speaker.

Hon. Mr. Rhodes: Yes. You have been here three days.

Hon. B. Stephenson: No, two and a half.

Mr. Roy: Oh, the Minister of Housing is here. I'd like to say to the Minister of Housing as well that he has—

Mr. Speaker: No, I wouldn't want you to say anything to the Minister of Housing.

An hon. member: Direct it to the Speaker.

Mr. Speaker: It is Friday and we're dealing with concurrence of a report.

Mr. Roy: No, concurrence of the Premier's office, which is very wide-sweeping, Mr. Speaker. It involves all sorts of things, including attacking the Minister of Housing, but I'll not do that. I'll adhere to your ruling.

But I do want to say to my colleagues that all week long I was at discussions with the House leader about when we were going to get to concurrence. He kept saying to me, "Well, the Premier wants to be here." I said, "Well, it's not really necessary for the Premier. I know he's got other things to do, at least he tells us he's got other things to do. So I could have concurrence either Tuesday night or Thursday afternoon or Thursday evening." And all the while he said, "No, he wants to be here." So we have it Friday morning and of course, I know that the Premier has other things and he is not here.

[12:00]

Nevertheless, I do accept the opportunity of speaking on the concurrence motion involving the Premier's office because I've been waiting for some time to say certain things. While I will discuss some of these matters involving the Premier and the administration in various ministries, I would like to take advantage of the opportunity to remind my colleague, the Attorney General, now that the evidence is in involving the Judge Williams inquiry—

Mr. Speaker: We're dealing with concurrence in supply for the Premier's office.

Mr. Roy: That's right.

Mr. Speaker: I haven't heard anything yet that was germane to the motion before the House.

Mr. Roy: When we're dealing with concurrence in the Premier's office, we're dealing with all aspects of business of the government of Ontario.

Mr. Speaker: Certainly not.

Mr. Roy: Yes, we are, Mr. Speaker.

Mr. Speaker: You're dealing with the operation of the Office of the Premier.

An hon. member: That's right. Throw him out.

Mr. Roy: Mr. Speaker, the Office of the Premier and the office of the cabinet involves the whole operation of the government of Ontario, I say with great respect to the Chair.

Mr. Speaker: Not for purposes of supply.

Mr. Roy: I say that when we're discussing the estimates of the Premier's office it involves the whole operation of the province of Ontario.

Mr. Speaker: Certainly not. Whatever gave you that impression?

Mr. Roy: Logic.

Mr. Speaker: Certainly not. You've been around this House long enough to know when you're dealing with supply you deal with a specific item and a specific vote dealing specifically with the way in which the money is being expended. You can't go as far afield as you're suggesting today. You will deal with the concurrence for supply for the estimates to operate the Premier's office for this fiscal year.

Mr. Roy: Respectfully, Mr. Speaker—

Mr. Speaker: Do you want to challenge my ruling?

Mr. Roy: I don't want to be abrasive with you.

Mr. Speaker: No, but I want you to be relevant and up to this point you haven't been.

Mr. Roy: I don't want any ruling just made off the cuff. I say that the Office of the Premier involves the operation of this whole province.

Hon. Mr. McKeough: Nonsense.

Mr. Roy: What does a Premier do then?

Mr. Speaker: No.

Mr. Roy: You're not going to listen to the Treasurer because if any one knows about nonsense it's he. I say respectfully to the Chair that when we're discussing the Premier's office it's always been my understanding that the Premier's office involves the operation of the whole province.

Hon. Mr. McKeough: Why didn't you go to his estimates then?

Mr. Speaker: I so rule that you can only speak on things dealing with the operation of the Premier's office. I'm going to insist on that. You can't debate my ruling but you can challenge it if you wish.

Mr. Roy: Mr. Speaker: I am challenging your ruling. I'm sorry. I think that's much too restrictive.

Mr. Speaker: The question before the House was concurrence in supply for the Office of the Premier in the amount of \$1,770,000.

The hon. member for Ottawa East contended that he could talk about anything having to do with the government of the province of Ontario. I ordered that all members would restrict their comments to that

specific vote for the Office of the Premier. The member for Ottawa East thought he could talk about anything to do with government in the province. He has challenged my ruling.

The House divided on the Speaker's ruling which was upheld on the following vote:

AYES	NAYS
Auld	Blundy
Baetz	Bolan
Belanger	Bradley
Bennett	Breithaupt
Bernier	Campbell
Bounsall	Conway
Breaugh	Cunningham
Cassidy	Epp
Charlton	Haggerty
Cureatz	Kerrio
Davis	McGuigan
Davidson	Miller, G. I.
Deans	Newman, B.
Drea	Nixon
Duksza	Peterson
Elgie	Reed
Foulds	Riddell
Germa	Roy
Gigantes	Smith, S.
Grande	Sweeney
Gregory	Van Horne
Grossman	Worton
Handleman	
Havrot	
Hennessy	
Hodgson	
Johnson	
Jones	
Kennedy	
Kerr	
Lane	
Laughren	
Lawlor	
Leluk	
Lewis	
MacBeth	
Maeck	
Makarchuk	
Martel	
McCaffrey	
McCague	
McClellan	
McKeough	
McMurtry	
McNeil	
Newman W.	
Norton	
Philip	
Pope	
Rhodes	
Rotenberg	
Rowe	

AYES

Samis
 Scrivener
 Smith, G. E.
 Stephenson
 Swart
 Taylor, J. A.
 Taylor, G.
 Turner
 Villeneuve
 Warner
 Welch
 Wells
 Wildman
 Williams
 Young
 Ziemba

Ayes 68; nays 22.

Mr. Roy: I accede to your ruling. I would now like to discuss what is called "an advisory committee on confederation" which has been set up by the Premier's office. I also want to discuss a conference which took place on June 27 to June 29 called *Destiny Canada* that was also set up by the Premier's office.

Hon. Mr. Davis: On a point of order so there is no misunderstanding. The conference was not set up by the Premier's office, it was set up by York University with the support of the government.

Mr. Roy: And the Premier.

Hon. Mr. Davis: No, no. The full credit goes to—

Mr. Peterson: The people at York, admit it.

Hon. Mr. Davis: That's right. But I don't want you to think it was us who did it. It was the University of York and the committee.

Mr. Peterson: You are using all these academic institutions for your own purpose.

An hon. member: He is out of order again.

Mr. Foulds: "It was we who did it." You need the nominative case after a copulative verb.

Mr. Lewis: You will never last by mangling grammar.

Mr. Roy: In any event that conference was organized through the initiative of the chairman of the advisory committee that was set up by the Premier's office. I think, in that light, I can discuss, within your ruling, these—

Mr. Lewis: You should have said, "it was us what done it." Then it would have been okay.

Mr. Roy: —and similar other matters of the Premier's office. I originally intended to speak about his relationship with the province of

Quebec and with the national government. And I do want to say that I have been looking forward to participating in this type of discussion since November 1976. I am sorry—

Mr. Makarchuk: You could have done it in the Throne debate, the budget debate.

Mr. Roy: —that this House, in spite of assurances by the Premier's office, has not had an opportunity to discuss the role of the province of Ontario and the Premier, in relation to the unity of the country. We attempted to discuss this matter during the Premier's estimates but, unfortunately, because of a time constraint we were unable to—and that is not the Premier's fault.

An hon. member: It's Darcy McKeough's fault.

Mr. Roy: There had been an agreement by the House leaders that there was only so much time for certain estimates. The Premier, on his own initiative, came down for his estimates but unfortunately that evening he had only an hour. When we did get into the discussion it had to be terminated rather quickly because of the time constraint.

I don't want to unduly delay the proceedings of the prorogation of this House but I do feel the role of the province of Ontario and the role of the Premier is extremely important in the debate on this country that we all love, Canada. I say it is becoming more and more important because the challenge that is facing us all, as Canadians, is a very real and serious challenge indeed.

[12:30]

The gathering of the storm that started in the 1960s and which, in fact, blossomed on November 15, 1976, was not wholly unpredictable.

I can recall as a member of this House in 1973 going down to the Conservative caucus office here, where they have a television set, and we watched the returns of the Quebec election in 1973 and our joy over the overwhelming victory of the Liberal Party at that time. It was frightening, however, to observe the margin—102 of 110 seats. One knew at that point, with virtually a two-party system in that province, it was only a question of time for a majority government with so much power, to find itself in strong disfavour with the public of Quebec. It seemed inevitable that the existing opposition party, which was dedicated to the separation of this country, would come to power. So it did—on November 15, 1976.

If I may talk briefly, Mr. Speaker, about the challenge the Premier and this province have to face on this.

This is a government of extremely capable and competent people. I get extremely annoyed when I hear certain people—I don't intend to name them but some of them come from the province of Quebec—who adopt an off-hand attitude that the Parti Quebecois were just a bunch of radicals and it was only a question of time before they would no longer hold power.

Hon. Mr. Kerr: Trudeau said that.

Mr. Roy: You are saying that?

Hon. Mr. Kerr: Trudeau said that.

Mr. Roy: If he said it I don't agree with him, but whether it was Trudeau or not, these politicians were extremely competent people; people with qualifications, dedicated to their goals, extremely lucid and able to communicate with the public. I know very few politicians that have such an effective grasp and rapport with the public of their province as the Premier of Quebec.

When I look at all the propaganda involved—some of these questions I have raised in the House on this issue—propaganda going on in schools and through the media. This is, indeed, a serious challenge. What do we have to meet that challenge?

There is a perception on the part of Canadians that those leaders who are meeting the challenge are the Prime Minister, Mr. Trudeau, and René Levesque and that this happens to be a fight between them. It should be a debate that involves all of us; and certainly the Premier of this province and all the people of Ontario.

The perception is it is only Trudeau and Levesque—two Frenchmen discussing the future of the country—you clearly get the impression there is a void there. The void exists as follows: there is a lack of perception, of taking a stand, on the part of English-speaking federal ministers elected to communicate, participate and inform the English-speaking community of this country. I don't want to get involved with who is and who is not doing his job. That void at the federal level extends to the Leader of the Opposition and, with respect, the leader of the NDP. Other options are not coming forward as alternatives to those being suggested by the Premier of this province.

That void is accentuated by the fact that in the province of Quebec there is no leader of the opposition who can consistently bring forward alternatives. That is something to be corrected, Mr. Speaker. It makes the challenge extremely important as to who is going to fill this void. If we don't fill it at the federal level, if it is not filled at the Quebec provincial level, then it must be done by other provinces.

I suspect the approach taken by the other provinces, by the Premier of this province, by the province of Ontario—who has always had a special relationship with the province of Quebec—what they are going to put forward is going to be more credible. We are not in conflict. We are sister provinces.

Mr. Lewis: Well, you are right. You are right, but the Liberals failed federally, the Liberals failed provincially, and now you ask us to bail everyone out. Thank you, very much.

Mr. Roy: The leader of the NDP—and I've always thought it offensive that any party would be called a third party in this House—is talking about who has failed. There has been a failing. As I said before, since 1960 there have been certain corrections that should have been made and were not made. The fault lies in great part at the federal level, but the fault lies with other provinces and this province as well. Once we get into a problem, the most positive way of dealing with it is not looking back to see who caused it—

Mr. Lewis: Sure it is.

Mr. Roy—but saying “Let's look to the future and see what we can do about it.”

Mr. McClellan: Ignore the cause, like an ostrich.

Mr. Roy: I am not. I am not for a minute ignoring the cause. I could get into the cause over some length of time, but I don't want to do that today. I do want to say that there has to be a response and there has to be a response by the Premier of this province and by this province itself, which may well be more credible than any response made at the federal level.

The response from the federal level always is on the basis of conflict. If we give Quebec more, we have less for the federal people; and the federal people will have a perception they're giving away certain of their powers, while Quebec members at the federal level will not have the same standing as other federal members because Quebec will have been given more power.

This country was put together by the provinces, Mr. Speaker, and I say to you it's going to be kept together by the role played by certain provinces, especially the province of Ontario. What goes on in this province is more important than what goes on basically at any other level except the federal level. How have we met this challenge? We have done some things in this province, but in my opinion we haven't done enough. I can recall, following Novem-

ber 15, the Premier's approach at that time, the confusion that took place, the lack of knowing which way to turn and how to meet this challenge.

I want to discuss briefly the Premier's approach back in February 1977, when he went down to the province of Quebec to the carnival. At that time, he had discussions with Premier Levesque. Here was the response he made in a speech in London, Ontario, as reported in the *Globe and Mail* on February 7, 1977. The paper said: "Premier William Davis said yesterday that it is too early to search for solutions to the threat of Quebec's separating from Canada because the problem is not yet that clear or fully understood."

If after November 15 the problem was not fully understood by the Premier of this province, I think we've got problems responding to the threat. It was with great chagrin that certain newspapers reported his approach. I look back at an editorial in the *Montreal Star* on February 8, 1977, following the Premier's visit. It stated as follows: "The Ontario Premier's round of Caribou diplomacy in Quebec City over the weekend does not appear to have left the country noticeably more united. He sought an informal pact with Premier Levesque to cool for the moment the debate over separatism, but since Mr. Levesque had already made it clear in New York that he had no intention of cooling the debate and his ministers since have been busy pursuing all over the North American continent, it would seem that the self-denial is likely to be one-sided."

The original response by the Premier's office was not one that we should have expected for a province which was neighbouring on the frontiers of the province of Quebec. It saddened me deeply at that time to think we were going to take an approach in the face of that threat that said basically cool it, that it's too early to be looking for a solution. Not only did it concern many of us in this province, but the credibility of the Premier of the province of Ontario and the province of Quebec went down somewhat. It's important that the credibility of the Premier of the province of Ontario be as high as possible in Quebec. I note John Robarts' reputation in the province. I say to you, that is something we should all wish for, whether it is partisan or otherwise, because we're talking again about the unity of this country.

As matters progressed since November 15, 1976—and I've watched them over the year

1977—what happened? What was the Premier's response? I've got to give full credit to the Leader of the Opposition; certainly he perceived how serious a threat it was at that time. Some people were suggesting that his voice was one of shrillness and that he was too emotional about this. He, at least, was one of the people who had a perception of what we were to meet and what we are experiencing here every day.

I'll put an example to you, Mr. Speaker, to show how organized the Parti Quebecois is. Their leader goes on a trip to Paris and receives medals, and then when he returns, they use propaganda to get 15,000 people to that airport to meet him, welcoming back the hero. That type of propaganda, when it's repeated over and over again, has a serious impact, especially when it's based on something as emotional as nationalism. So I say, we've got to look at these things.

We progressed into the year and we got the June election. There was a sort of agreement at that time that the question of national unity would not be the subject of an election. It would not be discussed on a partisan basis. Certainly, that was something that was adhered to by the leaders of the other two parties; and it was adhered to by the Premier for a period of time. But as the election progressed—and I'm sure my colleagues can recall what took place at that time—all at once, it was national unity; the only way that the people of Ontario could give certain evidence of how they felt about the country, was to vote for the saviour of the country, the Premier of the province.

All at once that became an issue. Do you recall how wrapped up in the flag he was? In fact, letters were going around at that time saying that the only way that Ontarians could safeguard the unity of the country was to vote Conservative. I thought it was sad that, having decided not to make it a partisan issue, all at once it had become one. I look back at some of the comments made by Norm Webster in the *Globe and Mail* in May 1977, and what he had to say about the Conservatives' approach during that election in using the issue of national unity.

I say the reason it's so sad is because national unity is something that we all believe in. It's not something that can be discussed on a partisan basis, saying that if you vote for the Conservatives you happen to be more for the unity of the country than people who happen to vote for the NDP or vote for the Liberal Party.

I look back at a comment made by Norm Webster on May, 31, 1977 when he said: "Vote unity, vote Davis, oppose the perfidious

Grits, the NDP and the Parti Quebecois by marking your ballot for a Tory. Keep your country safe from the infidel by returning the Conservatives to office with a strong majority."

He went on to talk about the approach taken by the Premier. He even mentioned a letter at that time written by the former Premier of the province, the Hon. John Robarts, who had sent copies of letters which said:

"The lack of leadership of the Liberal Party, the resurgence of the New Democratic Party and the election of the Parti Quebecois in Quebec threatens the economic and social foundation upon which this province has been built and upon which it has contributed to the strength of Canada. Ontarians, therefore, cannot afford to sit idle and allow those to represent a dramatic political alternative to assume power in Ontario, or those who threaten Confederation to go unchallenged."

[12:45]

This is the type of thing that saddens people who feel strongly about the unity of their country. We did not even have a debate in this House as had been promised and there we were in June or May, prior to the election of 1977, when it became really a political issue.

I thought that was unbecoming. I really thought that it was unbecoming of the Premier and his party to associate themselves with that issue in such a way, trying to get the people of the province to believe that the only way to keep the country together was to vote Tory.

Fortunately for us, and certainly to the great credit of the voters of this province, they didn't go for it. That type of approach makes the whole debate somewhat cynical—when certain people feel a certain way about an issue that should be above partisan approaches and it is dragged in during an election campaign. I was saddened by that and I thought that was not the approach that the Premier of the province should have taken.

There have been some approaches made by this province for which I must give credit to the Premier—for instance, his setting up of an advisory committee on Confederation, his support of the discussion that took place at York University. Some of these things certainly were positive. Some of these forums, where citizens—not politicians—citizens from right across the country were able to sit down and discuss differences, differences which were very often imagined more than real.

The sadness about the whole aspect of it is the two solitudes. The people in the province of Quebec are getting basically one side of the balance sheet or the blackboard and the English-speaking elements of the rest of the country are getting another story from their press.

It's important that we break down these barriers. I am frightened every day to think that this country will be split up, not because there are major differences but because people don't talk to each other, people don't understand each other. Basically it's a matter of ignorance rather than deep and heartfelt differences.

Conferences like the one that took place at York University, and certainly some of the federal initiatives, assisted in initiating this debate and keeping it within a proper perspective. But I think more can be done. More can be done and some has been done.

Under the threat of what happened on November 15, we have seen changes. We passed a bill here dealing with the Essex problem. We have had discussions. For instance, before the Robarts and Pepin commission, the Premier stated some of the approaches that could be taken by this province towards the minority in this province.

Certainly the treatment of the French-speaking minority in this province is an important factor in looking at Canada as we know it or we would like to see it, because there happens to be a majority of French-speaking Canadians in the province of Quebec. In the rest of Canada there is a majority of English-speaking Canadians and, if you believe in the federal government, you must have a federal government which is able to communicate with both, hence bilingualism at the federal level.

Okay, that's one thing. The other aspect, of course, is that there happens to be in the province of Quebec a sizable minority of Anglophones, just as there is a sizable minority of Francophones outside of the province of Quebec. The problem would be relatively simple if we could tell the English-speaking minority in the province of Quebec to move to Ontario and the French in the rest of Canada, be it Ontario, New Brunswick or elsewhere, to move into Quebec.

Of course that's not going to happen; that is their home. They, like myself, believe that it is their province and they feel just as much Canadian living in the province of Ontario as they would if they were living in the province of Quebec and they are not about to move.

So, Mr. Speaker, there must be a certain adaptation. It's difficult for some of us who

don't like some of the approaches taken by the Parti Quebecois in the province of Quebec pertaining to their minority to say to them, "Look, you can't be doing this."

That is not the way to be treating the minority. In fact, our record in this province is such that the minority has not received a treatment that has been even equal to the treatment of the English-speaking minority in the province of Quebec. So it is important how Ontario cleans up its own act—its own House here.

There have been some steps. Some of them we have talked about—for instance the question of languages in the courts was a positive step. But at this point it is still superficial. The fact remains that someone in Prescott and Russell, for instance, going to court can only have one level of court in his language. And even the legality of that is questionable. But if he should want to appeal, he can't go any further than that. So it requires something that I have been asking for since 1971—an amendment to the Judicature Act. Something that the Attorney General has proposed, has suggested he would bring in before the session was over and which we have not seen yet.

I would ask the Premier to direct his attention to something like this, so that the changes that take place are meaningful and not superficial. You can't fool people any more with superficial approaches in reaction to certain problems. Certainly if we have a commitment it should be a full commitment, and not a superficial one.

Certainly our treatment of the French-speaking minority in this province is something that is going to give us credibility on the national scene in the province of Quebec. Certainly the approach taken by the Premier in this province is going to be something that is going to be useful.

I notice the Premier has set up an advisory committee on Confederation and that one of the latest people to be selected for this committee is one of his former advisers, Hugh Segal. I read in yesterday's *Globe and Mail* that Hugh Segal has been appointed to the advisory committee. I say to you that that is a positive step. I appreciate that Mr. Segal can make a positive contribution, just as I respect the people on it. But certainly those of us in the House here can make some contribution as well. We have select committees for all sorts of things. Why don't we have a select committee in this House to look at the question of the constitution; to look at the responses that the province of Ontario could make in the national debate? Can not we, the elected representatives, make a

positive contribution to this? Certainly we could, if we are to have all sorts of select committees to tour the province for a variety of problems—which are of great importance. But surely in the order of things, a select committee set up by the Premier of all members of this House, dealing with the fact that we are into a minority situation as well, where the Premier could get responses from all parties, would be helpful in this question. Especially when I look at some of the responses he has had in the past, which at best have been somewhat confused.

If we had a select committee of the members of the House, which could travel around this province, if for nothing else than to educate and have discussions with the people of this province—or people of other provinces—or even people in the province of Quebec, then we might have this dialogue, so that we might publish it, so that we might put forward views which would be helpful.

Because certainly, no matter which way you look at it, this country will not be the same again. The constitution will have to be changed, and what are our responses going to be? Some of the responses by the Premier certainly were helpful. I thought the statement he made before the Robarts-Pepin commission about his flexibility, about certain rights being transferred to certain provinces, were helpful. But I think there is a contribution that we can make here as members.

Certainly when I look at the government side, and I look at different ministers in charge of certain ministries, and when I looked for instance yesterday at the money we are spending for policy secretariats—I look at that and I say to myself: couldn't we have a minister in full charge of federal-provincial relations; a minister who would be doing only that; whose job would be to look to the future; to be in a position to have dialogue with his colleagues right across the country and with the province of Quebec? Certainly that would be in the priority of things. A minister could play a useful role. We would have one individual who could do this on a full-time basis.

I think there are other things we could do.

Mr. Martel: Sure, you could sit down.

Mr. Roy: There could be increased publicity about dialogues and exchanges between various provinces. The Premier could initiate, for instance, programs whereby people who are travelling to our two sister provinces—that this type of travelling—tourist, publicity or otherwise—could receive some

form of tax credit. Keith Spicer suggested that someone should be able to get around this country for \$100—any place in the country. I say this because the minute—

Mr. Deans: If that ever happens, you'd never be here.

Mr. Roy: I listened to the member for Wentworth, and I appreciate—

Mr. McClellan: Don't you have some billings to look into?

Mr. Roy: —that the potential leader is somewhat frustrated, but I ask him to bear with me. I don't have—

Mr. Deans: You're abusing the purpose of concurrence.

Mr. Martel: You might have come in on the debate on time, instead of 45 minutes late last night.

Mr. Deans: You didn't do your job properly.

Mr. Martel: When you have an agreement, you might honour it once in a while.

Mr. Roy: Mr. Speaker, I notice my colleague is getting extremely excited.

Mr. Martel: Your colleague—he talks out of both sides of his mouth at the same time.

Hon. Mr. Grossman: Three sides.

Mr. Martel: When you make an agreement, it's an agreement.

Mr. Roy: I have listened patiently, I have listened to many long debates from the member for Sudbury East—

Mr. Martel: Except when you've done it.

Mr. Deputy Speaker: Order.

Mr. Roy: I don't want to antagonize him too much, because he has a tendency to get carried away, and I would not like to see him leave the House early again today.

Mr. McClellan: There's an airport limousine waiting for you, Albert.

Mr. Roy: These are some of the things that could be emphasized—this type of exchange between citizens. We could have more exchanges on the basis of our schools between the province of Ontario and the province of Quebec. These are some of the things that the Premier could be looking at—

Mr. McClellan: Why don't you abolish the post of House leader over there?

Mr. Roy: —which would be positive steps toward the debate on national unity and the role to be played by the Premier and by this province.

The final thing I want to say is—

Mr. Young: Good.

Mr. Roy: —the whole debate has brought forward a statement that's used repeatedly by

all sorts of people. I hear politicians at all levels and all platforms saying, "I believe in the unity of this country. I'm a Canadian." If there's a word that certainly means different things to different people—what is a Canadian? I hear John Diefenbaker keeps saying, "I'm a Canadian." But his perception of the country is certainly not that of other people, certainly not of the Canada as we know it, the Canada of minorities, where there is respect for all minorities. I hear Richardson, who makes a statement saying how he's a Canadian and I see some of the attitudes that he espouses—of his vision of what the country should be like—

Hon. Mr. Grossman: Leave. Don't stay for this. Leave him with an empty House.

Mr. Roy: —and I say to you, thank God that there are not people who espouse that sort of approach or there is really no future for the country, at least for the country with Quebec as a participant in it.

I heard just a couple of weeks ago at the Conservative convention in Quebec City where one of the leaders of the opposition party, Mr. Biron, went up there and pleaded with them about accommodations that have to be made to assure the future of the country. He was followed on the platform, for instance, by the Premier of the province of Manitoba, who comes along and says to the delegates, "we in Manitoba don't understand you in the province of Quebec. You're walking to a different step. You're following a different drum." It concerns me that the same type of people would get up and say, "I'm a Canadian. That's the way I feel about it."

It seems to me important that people who truly feel they are a Canadian, be really that. Being a Canadian means having respect and understanding for your fellow Canadians—for your minorities. We espouse the policy of allowing people in from all across the world, on the basis that we would respect their origin, that we would encourage that they keep their culture and things of this nature, and at the same time there are certain people—just briefly, my colleague, the member for Renfrew North (Mr. Conway), brought to my attention a letter where—

Mr. Deans: Oh, come on, Albert—this is an abuse.

Mr. Roy: —a person who says he is a strong Canadian—

Mr. Makarchuk: I think being a Canadian means keeping some agreements.

Mr. Roy: —states basically that he's sorry my colleague had gone down to make a speech and apologized to the people in Prescott and Russell that he couldn't speak their language. The person stated there was no

apology to be made. He suggested to my colleague that what he should be doing is getting a copy of the book "Bilingualism Today, French Tomorrow"—that this was a good book.

Mr. Lewis: No, no. From Yakabuski?
[1:00]

Mr. Roy: No, it was a letter that a citizen from Prescott and Russell had written my colleague from Renfrew North, saying to him that there is a book recently published, "Bilingualism Today, French Tomorrow," which I have not read since it is already out of date here, which he suggested that my colleague should read. What he says is that it is unfortunate that those of us who are in fact Canadians did not put more pressure on the politicians, and that Canadians should have taken the approach of the US, a melting-pot approach, saying that "those of us who believe in Canada and this country should believe basically in one language." He was extremely frustrated by the fact that in that area, where there is a strong French minority, they happened to put up a sign in French saying there was a swimming pool. He was extremely annoyed about this.

The reason I say this is that I suppose on the other side in the province of Quebec there are people who are intolerant as well. It is the role for us—and I think there is a great role to be played by this province, and by the Premier of this province, because I sincerely feel that he believes in that—but I think that there is some assistance that those of us can give. This is why I make this suggestion, and this is why I participated in this debate on concurrence.

Having said this, I thank you and I thank my colleagues for the opportunity of having participated. I look forward to some time in the future in this House where we can get opportunities, where all of us can have some input as to how we feel and what we feel the province, the government, the Premier of the province should be doing to work towards the unity of this country.

Resolution concurred in.

BUDGET DEBATE (concluded)

Resumption of the adjourned debate on the motion that this House approves in general the budgetary policy of the government.

Mr. Lewis: Mr. Speaker, I mean no disrespect through partial disrobing, but I was extremely hot under the length of time the lights were on, and because I want to speak not at undue length but with some feeling during the course of the next half hour or 45 minutes, I decided to be as comfortable as possible.

I must say that I approached this, my last day in the Legislature as leader of the New Democratic Party, feeling largely that it would be just another speech in that eternity of speeches to which politicians are addicted, an eternity of speeches which I intend to go on in the future because I meant what I said earlier in this debate. To embrace a phrase which animates some of my colleagues from time to time, now that I have been radicalized in the twilight hours of my career, I want to be able to smash capitalism from this side with occasional frequency.

Mr. Conway: Oh, no. In the words of a more recent phrase, "A protest movement becalms."

Mr. Lewis: You know that is Leo Zacuta, "A protest movement . . ." The member for Renfrew North (Mr. Conway) is an arcane fellow. He shouldn't be a politician and subject himself to this.

Hon. Mr. Grossman: He's not.

Mr. Lewis: I thought, therefore, that it would simply be that kind of episode. I admit freely that I had a kind of sleepless night last night and that must mean, I guess, the moment in time means more to me than I care to admit.

One learns the hard way as a democratic socialist. You wouldn't know that, Mr. Deputy Speaker; you who were born into grace as a member of the western Ontario establishment. You wouldn't understand what it is like to claw your way up the ladder. You are the Horatio Alger incarnate. Just look at you, for heaven's sake.

Mr. Nixon: Have you ever tried to sell rubber boots in Mitchell?

Mr. Lewis: The member for Perth (Mr. Edighoffer) sold rubber boots in Mitchell?

Mr. Nixon: That's right.

Mr. Lewis: If I were receiving a 75 per cent commission on each foot, I probably would as well. But to be a democratic socialist, it seems to me you learn that the surest route to affection and esteem is defeat and retirement. That is what is involved. Success brings abuse, perfidy, notoriety and occasionally shame. But failure is a wondrous thing. My daddy always told me that, as a matter of fact.

Mr. Conway: What did Hazen Argue say?

Mr. Lewis: My father said to me, "Son, there is no need to starve in a garret; just lose at the polls." And that is, alas, a prescription which I have on occasion helped to follow. As it happens, I come to this last minor hurrah without regret or malice

or envy. The leadership years that I have experienced with the New Democratic Party and my excellent colleagues in this Legislature have been difficult years, but very good years for me.

I may say to the government House leader, who is a man I am very fond of, that we have shared much; we came into the Legislature at the same time. I quite like, from time to time—I guess most of the time—this oft-vilified chamber and those who grace it. It is absurd sometimes in here—has been over the last number of years. In those moments of chaos, the moments of seeming disintegration, one would think that the democratic process was forged at the anvil of anarchy on occasion, and that mellifluous and lovely English language that we use is often reduced to guttural snapping. Many is the time I have had to slide a nitroglycerin tablet over to my colleague from Lakeshore (Mr. Lawlor) just to reduce his palpitations under the provocation of one or two members opposite.

Mr. Conway: Is that why he is now a little less than idolatrous?

Mr. Lewis: And yet fine and important things happen in this chamber and I refuse to diminish it as is so often fashionable, although I have often been myself one of its critics. Taken all in all, even when we think the place is reduced to a motley rabble, suddenly it is followed by a splendid debate and the strength of the parliamentary system reasserts itself again. I am proud to have been a part of that in the role of leadership. I have never doubted for a moment that politics can be a profoundly noble profession. I have never liked those who heap gratuitous imprecations upon the work of many members of this Legislature. Some we have differences with. Sometimes we get mad at individuals in the various parties but you learn over time, and I guess, with occasional moderation through the years, that even those you would disparage have a terrific public commitment in their own very specific way.

What I want to say to everybody in this House who is here now—if you can accept this insufferable mellowness on my part—is that I salute all of you as colleagues. I personally like a great many of you; those I know and have shared time with, quite a lot. As a matter of fact, I have tried to destroy some of you by expressing that affection in public, and, of course, it has not always been successful.

I suppose one of the crazy strengths of this chamber is the separation which is made—

politics from personality. We hurl epithets across the floor. We heap calumny on each other. We have bitter ideological disputation and argument, and yet when it is all over we do manage, as parliamentarians, certain civilized relationships. There lives in my mind an episode that goes back to 1971, I guess, when I saw outside the door of this chamber the member for Grey-Bruce (Mr. Sargent) embracing the then still Premier of Ontario, John Robarts, in a very friendly embrace just after that member had come out of the House and accused the Premier of everything from fraud to embezzlement—forgive me for using this word—to manslaughter. It mattered not at all.

Mr. Nixon: "Hand in the till" was the phrase.

Mr. Lewis: "Hand in the till" is correct. That is true of this place. With the Tories it is a very practised art. They have really honed it well. After we do battle with them in the Legislature, the Minister of Natural Resources (Mr. F. S. Miller) invites you to his lodge in Muskoka, the Treasurer (Mr. McKeough) takes you to La Scala, the Attorney General (Mr. McMurtry) offers to autograph your son's hockey stick, the Premier (Mr. Davis) gives you tickets for the opening Blue Jays game, the Minister of Culture and Recreation (Mr. Welch) whispers in your ear what his bishop has lately said to him. Oh, I remember that moment. And the Minister of Housing (Mr. Rhodes) is the cleverest of all—ask the Leader of the Opposition (Mr. S. Smith)—he invites you to Sault Ste. Marie.

I want to declare, even in his absence that I continue to support the Minister of Housing as the natural successor to the Premier (Mr. Davis). I want that known. The acute agony of discomfort on his face every time I say it, is almost more than I can miss.

What I am saying is that despite the deep philosophic division I too have valued friendships with colleagues in all parties in this Legislature. You have been extremely decent and straightforward with me. I hope it isn't invidious for me to say one or two words about specific people.

I told the member—I must get the constituency right—for Brant-Oxford-Norfolk (Mr. Nixon) that I was thinking of him last night in a moment of weak and self-indulgent nostalgia. We shared a couple of political campaigns together in 1971 and 1975 and have been through a great many political battles together. I wanted to tell the member something which I have not before. When he used to get up in the House in his previous

role as leader, and recount the history of the Liberal Party, the province, his own involvement in rural Ontario, and his knowledge of the hinterland of the province, I used to sit here with considerable envy. That just is not my world; I've never really been a part of it. How it was conveyed was always amazing to me. I'm a radical urbanite, if you will, and I have obviously never succeeded in embracing or understanding fully that sense of Ontario. I am glad to have the opportunity to say now how I appreciate that being expressed through those years by someone who so clearly embodied it. I value that.

Of course, the former leader of the Liberal Party had the same kind of momentary malaise I have experienced. I don't know whether psychiatry can succeed where agriculture failed. I have never been able to establish that in my mind, and obviously we have only had—

Mr. Nixon: We are wondering the same about a fireman.

Mr. Lewis: I want to tell my friend something: If this man succeeds to the leadership, as the embodiment of the working class struggle the leader probably would do better than the doctrinaire dilettantes who now inhabit it. Tuck that away—

Mr. Nixon: But with a suit like that—

Mr. Lewis: The suit? The suit is splendid. Don't attack him for that.

Mr. Roy: He is beautiful.

Mr. Lewis: Was the member for Brant-Oxford-Norfolk deliberately distracting me when I was going to say something nice about his leader?

Mr. Nixon: I knew you were going to say something nice.

Mr. Lewis: Yes. I have had only a short acquaintance with the Leader of the Opposition (Mr. S. Smith)—one embattled campaign. Obviously he has moved his party from the depths of gloom to a glimmer of light. I acknowledge that. Despite the horrendous and crippling barnacle of Liberalism which he carries with him, I want simply to wish him well, feelingly and honourably.

Mr. Conway: You can say that with Fraser Kelly looking on?

Mr. Sweeney: If it weren't for Liberals you wouldn't have got as far as you did.

[1:15]

Mr. Lewis: You mean my *bête noire*. I also want to say of the Premier that I don't suppose I could have faced a more effective and more successful adversary through the years. I've thought a lot about that, because

it ranks, naturally, to find one so artful across the way. I think on careful study I have discovered the secret. I have watched carefully and learned that the Premier is the only politician I've ever known who never takes a breath between sentences. What that means is that they pile up one atop the other, paragraph upon paragraph of mountainous, incomprehensible prose, and what the electorate cannot understand they cannot repudiate.

Therefore, in the process of thanking my colleague from Brampton for his really generous and thoughtful remarks earlier, I want to say in very personal and human terms—and I know he had to be away; I don't mind that for a moment—he has my admiration and respect as a colleague in this chamber. I've appreciated sharing this chamber with him as leader for almost seven years now. I know the gulfs which exist between political parties, but I value the friendship and the regard which exist because those too are things one salvages, perhaps even treasures, in a stormy political career.

But the government members across the way, and the party infidels on our right, that fractious lot—oh, they'll have their comeuppance one day. They are all my opponents, if I may put it in very personal terms. Here with me on these benches, Mr. Speaker, as you would discern with a perception and insight given to few, gather the finest of men and women in the democratic process. Why do I hear no applause?

(Applause)

Mr. Conway: By the way, where is the member for York South (Mr. MacDonald)?

Mr. Lewis: They are my caucus mates—

Mr. Sweeney: It depends on where you sit.

Mr. Lewis: —to whom I owe an incredible debt, and not only just to my caucus mates but to all of those with whom I have worked in the caucus environs in this legislative building over the years, the staff who largely made the stuff of the speeches which I faithfully disgorged. These are the men and women in the vanguard of socialism in this province, whatever vanguard it may be. No leader could have had harder-working colleagues. No leader could have had more loyal colleagues. No leader could have had more committed colleagues. These people here understand. I can frequently be a *prima donna*. I've made pretty stupid mistakes over the course of campaigns and as leader in the last number of years. There's seldom been a whisper of criticism. There's been immense moral support, and that, I suppose, it what makes it all bearable.

If I can be very personal for a moment there are two members of my caucus whom I wish were here today but who cannot be here. One is the member for York South, whose mantle I inherited. Let me say I've always thought it almost supernatural that from the moment of that campaign when I was lucky enough to become the leader, which caused the member for York South, I think, some concern at the time, from that day to this I have had from him only the most total and absolute friendship and assistance as a continuing mentor.

The member for York South speaks, as does the member for Brant-Oxford-Norfolk, to the reality that leaders, who have been and who come back to sit in this Legislature again, never fade away. They're just here in the fray to the extent to which they wish to participate.

I also want to say that I wish by my side today could be one of my very closest associates. I owe a lot to this man. The member for Riverdale (Mr. Renwick) is recovering magnificently, I may say to my colleagues. He will be back in February to illumine this chamber yet again.

I had difficult moments in time, sometimes, Mr. Speaker, such as the Attorney General himself pointed out the other day when, during that period from 1971 to 1973 when the New Democratic Party was rescuing Canada from subversion by discharging the Waffle. That was a pretty major task for us to shoulder, and all of that took a bit of the substance out of the party and its leadership and it will be a pleasure when it all comes together again, here, in February 1978. Then, with a new leader, we will be a force to be reckoned with. We've already got three candidates verging on perfection. That is hardly arguable. It matters not who wins. The socialist hordes will then crash the gate and put the others to rout. There isn't a Tory or a Liberal in this chamber whose days are not numbered.

Mr. Sweeney: We're prepared to take over.

Mr. Lewis: Aha! Do I hear the voice of doubt? Let me tell my friend that anything is possible in this crazy political world.

Mr. Breithaupt: The odds are about the same.

Mr. Conway: What is all the talk about the fourth option?

Mr. Lewis: If Joe Clark can be Prime Minister, the member for Sudbury East (Mr. Martel) could be Pope.

Mr. Roy: We'll take the member for Sudbury East.

Mr. Lewis: You will forgive me for that. Normally I consult in advance; I'm sorry.

Mr. Roy: Our money is on the member.

Mr. Lewis: Mr. Speaker, as I look back, there are some things which have made it all particularly worthwhile. Achievements—perhaps they're small in the minds of some but I think they're achievements which we New Democrats look upon with some pride. I don't mean they are confined to what we ourselves have effected. I understand the way the process works. The opposition joins together, the government participates and embodies stuff but, in an odd way, some of the things I want briefly now to refer to, speak as well as to the political evolution in this chamber, how much we win and yet how much there remains to achieve.

I don't want to pretend any analysis of the times over the last seven years because I'm just not up to it. I don't pretend any profundity but I did want to mention very briefly, five areas which, as I thought back on it—if I am allowed that—really have meant something to me personally and, I think, to all of my caucus mates who have participated.

First is the whole realm of services to children in the province of Ontario. That whole area of political intervention has been a long, dramatic, sometimes heartbreaking struggle, but we've made significant advances and I refuse to diminish them. It is true that facilities for the emotionally disturbed child across this province have increased a thousandfold; that we've taken section 8 out of the Training Schools Act; that we have a consolidation, however fragile, of children's services within a given ministry. Just yesterday, in this Legislature, we had a green paper acknowledging a number of areas of important change. My colleague from Bellwoods (Mr. McClellan), who has fought very hard for that, pointed out that it doesn't by any means deal with some of the more gripping controversies but it does say that we are measurably ready to improve the system. I suppose that what it says when we reach that point is that the fight must never stop, that there is always more terrain to conquer. While we have improved facilities for the disturbed child and other disabled children inordinately at the very early ages, we've still not done the job for adolescents.

That's really what these desperate suicides in the training schools speak to: the dilemma of how we deal with the adolescent who has problems in the broadest sense. We've still not resolved the funding problem in terms of social priorities.

I don't know whether I agree with my colleague from Niagara Falls (Mr. Kerrio)

that the Ontario Arts Council should have been denied a 15 per cent increase, because it's nice to provide a cultural dimension in this province to the Arts Council, and I think it does a first-rate job.

I certainly agree with what my colleagues from Sudbury East and Bellwoods and other members put through the private members' hour yesterday, that the priorities are all wrong in human terms in certain social services in this province. We still haven't begun to tackle day care. As we heard the other day, we are only verging on a solution to the desperate question of learning-disabled children and how we will provide an environment for them adequate to their rights as citizens of this province. So the battle goes on, but I concede, with a little pride, that we have managed to take it a fairly long way.

The second area I want to mention, if I may, is the area of occupational health and environmental health and, again, we have come a long way in the province of Ontario. I admit that almost with pleasure. I have been a part of it, but so have a great many of my colleagues and other members of this House. I think back on the Ham commission. I think back on the ministry consolidation within the Ministry of Labour, if I can be forgiven the observation, so that finally we have got control out of the hands of the Ministry of Natural Resources and into a more human and creative environment.

We have some standards in the work place, in certain work places, which to this day are preserving the lives of people, I have no doubt. We even had the occupational health bill, Bill 139, and I am personally glad to credit that. Having said that, I also want to say again that as part of the process there is so much irrationality and resistance yet to overcome I want to remind the members of the Legislature we have had all of these battles and we have still introduced a Bill 70 in this session which isn't even as good as its predecessor legislation.

We have had all of these battles and we have an occupational health branch which appears not to have clout, which will not take a high profile, which won't deal with occupational or environmental health as though it was a cause célèbre rather than some kind of series of cocktail meetings. We saw, if I may say—may I be allowed a digression—that in the field of occupational and environmental health even in respect of this fire in downtown Toronto, we still, as legislators, have not succeeded in persuading senior people within the Ministry of the Environment that when there is a clear environmental hazard they

should react with urgency rather than with paralysis, and that's what this last episode has demonstrated.

I could see that the Minister of the Environment (Mr. Kerr) today could scarcely contain himself, that he was an angry man, that he would probably like to throttle certain people in his ministry. Throttle away. I think heads should roll. May he be successful. Leave it aside. What worries us about it is that with all of the work and all of the progress and all that we have achieved, here we come to deal with the evaporation of a toxic substance, a known carcinogen with enormous implicit dangers, and people in his ministry can't even rally around to do the job.

I want to say one last thing, because I and some of my colleagues, particularly from the Sudbury basin, feel this as strongly as possible—I wish the Minister of Labour (B. Stephenson) were here, but I guess she cannot be—there remains in Ontario, despite all of the battles around occupational health, a symbol embodied in one person of how tough it is to persuade government and the agencies which implement legislation policy of the validity of certain exceptional individual cases. That person is Aime Bertrand. To this day, he is afflicted with the consequences of laryngeal cancer and he still lives and waits in Sudbury, hoping that the Ministry of Labour and the Workmen's Compensation Board will one day grant him what I think most reasonable human beings would recognize is his absolute entitlement.

I don't know why there is this incredible resistance. It really bothers me. I think it has to do with the way in which a civil service kind of withdraws into itself, feeling that it gives too much and it will be damned if it gives another inch. I think it has to do with a certain obstinacy on the part of the politicians involved.

[1:30]

If I may say as carefully and sensitively as I can, I have always been a politician who believes that you shouldn't have a doctor in the Ministry of Health. It is a little difficult sometimes, when doctors try to deal with occupational health, because there is the same constant tension between the sense of medical and professional expertise and the other arguments that mere laymen are putting forth.

So everybody rallies around a defence of the system, irrationally and prejudicially. They even say and do things which are entirely unjustified. We have talked about this matter in the House many times. My colleagues from Nickel Belt and Sudbury have raised this whole business of asbestos-induced laryngeal cancer. I wrote a piece about

it in the Star, and there was a letter sent to the Star from the chairman of the Workmen's Compensation Board.

I want to show what happens in the province of Ontario because it really bothers me. It doesn't bother me at all to be attacked by Michael Starr; that's almost a blessing. But it does bother me to see what is inherent in this. Just let me share it with the House because I think it may interest my colleagues as well. In the process of an attack on what had been said and written—and it is not different from anything which has been said in this Legislature a hundred times before—Mr. Starr writes:

"What Lewis conveniently ignores is that the data used to prove a relationship between asbestos fibre and stomach cancer (mesothelioma) had to be developed from independent control studies directly devised for those specific diseases. It is not scientifically valid to use the research results from one study to be applied to a totally different situation and then to expect that any compensation organization would categorize that industrial disease as compensable without establishing any direct medical-work relationship."

I want to say something that I very rarely say in this Legislature: That is a direct fabrication. It is not true. It is just not true.

The reality of how we established the compensability of stomach cancer is very simply this: Dr. Ritchie of the University of Toronto reviewed literature all over the world in 1975-76 and drew connections between that literature and the case of two or three workers who had died in the Johns-Manville plant in Scarborough. Dr. Ritchie came to the conclusion that he could not say with finality, based on the world literature, that a relationship could be established.

So the Workmen's Compensation Board brought in Dr. Tony Miller, associated with the Cancer Institute. Dr. Tony Miller saw immediately that the single most important study in the field was that of Irving Selikoff of the New Mount Sinai School of Medicine in New York. Tony Miller said: "I will go to Irving Selikoff and I will talk to him in person." He went to him and he talked to him and he reviewed the data in person. He came back and he said: "Yes, there is an established link between stomach cancer on the one hand and exposure to asbestos on the other."

There were no case studies in the province of Ontario to make that specific link. It was done entirely on the basis of the international literature, precisely the point which

Michael Starr eliminates. It was done specifically on the basis of Irving Selikoff's study, precisely the point which Michael Starr repudiates. There was no case study; the workers at Johns-Manville aren't even included in the Selikoff study.

That really bothers me because it is playing games with those who are entitled. The same Selikoff study says that Aime Bertrand should be compensated. Quite simply. In fact, the ratio is even higher than that for the others. But these people will not comply. Why won't they comply? Let me read one more paragraph. "The article also conveys the erroneous impression that any worker who files a claim must prove the relationship between injury and work. The worker is under no such onus. That responsibility lies with the board."

Mr. Martel: The government should fire him.

Mr. Lewis: That really sticks in the craw. I know who wrote this. Dr. McCracken wrote this letter; Michael Starr just signed it. I am sure of that as I stand here. But that really sticks in the craw.

I want to remind my good friends and colleagues opposite—do they remember the case of Gus Frobels, that absolutely magnificent man who lives in Elliot Lake who single-handedly forced the Workmen's Compensation Board of Ontario to provide him with the first case of compensable lung cancer by virtue of exposure to radiation in this province? He did it by reading the Senate subcommittee hearings in Utah and Colorado and bringing them before the board and bitterly, painfully arguing his own case after the board turned him down flat.

Do they remember the widow of Mr. David Smith in Sault Ste. Marie, who had to bring representations before the board for the first compensable case of lung cancer caused by coke oven emissions, after the board had time and time again refused to agree to a relationship and forced the claimant to prove it herself?

Do they remember the case of Charlie Nielson representing the Johns-Manville workers in Scarborough, who, with his union, had to go before the board week after week, hearing after hearing, to prove the claims, the cause and effect relationship that the board refused to observe?

Mr. Speaker, it is offensive, it is offensive in the extreme that the chairman of the Workmen's Compensation Board should believe that kind of stuff, let alone give voice to it, because in the difficult cases in the province of Ontario that's simply not what's

happening. It's not happening at all. That's why my colleagues and I say to you, sir, and to the government opposite, that while we are pleased—and we salute the government and we acknowledge it, and I don't want to cavil about the steps that have been taken in the areas of occupational health—we have a very long way to go and we're meeting resistance from the Minister of Labour and the Workmen's Compensation Board. And I alert the government now that we will not give up this battle until it's won.

Third, I want very briefly to make mention of agricultural land. That, too, is an extraordinary struggle, and I feel, I suppose, a little chagrined at times when I reflect back on the 26 acres an hour. Certainly the figure was valid for the period 1966-71. It was perhaps what might be called a faintly hyperbolic extrapolation for the period 1971-76. But we didn't know that at the time. It was offered in good faith. What is interesting about the Statistics Canada figures which have since come out is the revelation that we are still in fact losing land, although of more modest proportions than some of us suggested.

We've had major battles over Pickering. We've had major battles over the Niagara Peninsula. We've had major battles over the Escarpment. In many of those instances we have saved land. The battles have been worth fighting. It has been worth having the Minister of Agriculture and Food come down with his guidelines. That is an important process, an important part of the whole social issue. It has made it all worthwhile.

But again we are only in mid-stream; again we have to take it from here. By the end of 1977 the discussion on the green paper is over. By 1978, presumably, we will be able to embody the guidelines in specific legislative commitments, and that's what we hope to do—to give legislative authority to the class one, class two, class three land which should be protected in this province and for the abuse of which you would have to prove your case before a significant and independent body.

The fourth point I want to make deals with rent control. Rent control was also a weird and wonderful episode in the life of this minority government, and we on this side of the House have absolutely no regrets whatsoever. The government House leader (Mr. Welch) smiles sheepishly, because he remembers bringing down an entire government for the sake of rent control, wreaking havoc upon his colleagues.

Mr. Breithaupt: Even I remember that.

Mr. Lewis: Do you remember that as well? Issuing us fiats and letters—the government House leader orchestrating the entire machiavellian plot. Who would think within that quiet and sturdy little figure there lurked such a sinister conspiracy? He who has paraded himself as the epitome of honour and virtue, betraying the electoral process as he did. That's right, let my friend cover his face; blind his eyes to the outrage, slink in his seat. That's better. I have seldom seen such a ne'er-do-well elevated to office so high. He can barely contain himself with the sheer embarrassment of it all. I understand, I understand. Bringing the Legislature down. The government House leader cost Ontario \$20 million, and they re-elected him. That is what I meant about not understanding.

But the whole process was worth the battle. We have the rent control. We did give to the tenants their desperately needed protection. Having gone that far, the new Minister of Consumer and Commercial Relations (Mr. Grossman)—I was almost going to use "Protection," but that would be such a misnomer it would be fatuous—the new minister, in any event, has apparently extended the controls to the end of 1978. The big question then, as all of these things evolve, is what we do at the end of that time? And again, for our party, knowing that the vacancy rate declines, knowing that the government has done nothing about building additional units of rental accommodation, it again becomes an issue that must be pursued.

Finally, I want simply to make reference to the confrontation over the Reed Paper company. In the political short term I am absolutely prepared to admit that we lost, in terms of the crude political definition. But in the mid-term and in the long term I think it means significant gains for Ontario. That was an episode, as I go back and look at it—the Reed Paper company—that I personally handled very badly.

I smiled to myself when the Premier said earlier in the day that there were times when I was provocative when I should have been conciliatory and times when I was conciliatory when I should have been provocative, and that was certainly one of the times when I was foolishly, almost wantonly, provocative. Sometimes, I guess, one gets a little too emotionally enmeshed in a subject matter.

I can remember seeing on television, a couple of times, that exchange, at the height of passion, between the Premier and myself, and sitting and watching it and thinking, "My God, how did I get ensnared thus? How

did it happen that I should portray democratic socialism as though it was cutting sugar cane in Cuba?" For the first time there was some validity to that phrase. I know, when I look back on it, that was not how to handle it.

And yet we have the Hartt commission. We have an entirely new reforestation policy in Ontario. We have attention being paid to our natural resources, which might not otherwise have been paid. And again we are pleased and have no regrets, all in all, at the battle.

Mr. Laughren: A new minister too.

Mr. Lewis: Yes, yes. But I am charitable today. My colleague from Nickel Belt, who still has aspirations rather than commiserations, points out that we have a new minister as well.

May I throw in a footnote? The Reed Paper company relates to something which I feel very sad about, in terms of the frustration of dealing with politics and the impotence one sometimes feels. That's White-dog and Grassy Narrows. We have not come to grip with that in this Legislature. Despite all of it over all these years, we have not been able to come to grips with those two little reserves in northwestern Ontario. That is a commentary on the whole process. I don't know of what kind. I feel as involved and complicit in it as anyone else.

That is as I look back. I assure members of this Legislature that my looking ahead will not take quite so long—and not because the horizon is so distant. As I look ahead, I hope without belabouring it that I might be able to pick up on the intervention of my colleague from Ottawa East (Mr. Roy) here this morning. I hope, if I may say to the Legislature, briefly, that we in this House collectively can make a more substantial contribution to the debate on national unity than we have hitherto.

[1:45]

I thought it was ironic. As a matter of fact, it was Norman Webster in one of his Globe columns who pointed out just the other day that it is remarkable to have gone through an entire session of the Legislature without discussing Canada. Think of it with me, my colleagues. We have sat for an entire session of the Legislature and for whatever reason—I impugn no one and I attach no guilt particularly—we have not set aside time to discuss, if it isn't too maudlin, Canada. We sat from mid-October to mid-December and that subject of all subjects has not been focused on in this Legislature. There was no pressure for it and no feeling for it—

not no feeling but apparently no sense that it must be done.

I am sure the government would have done it happily. I am sure the government would have offered it and did perhaps, but none of us responded, because somewhere something is missing in it. I think there is a consensus emerging in English Canada, particularly a consensus for constitutional redefinition. But the rumbles of the referendum are beginning. The surveys taken latterly show a more conciliatory attitude towards the Péquistes than one would wish. Surely we in this House must do something.

I agree with the member for Ottawa East, who spoke earlier today. I know that Pierre Trudeau is not the route to salvation this time. That is why history is so important. No person who presided over the emergence of Rene Levesque to power and watched it all happen through the tenure of his Prime Ministership will be conciliatory or flexible enough to resolve it. I do agree that there is a vacuum in the province of Quebec which Gerard Levesque may fill or maybe somebody else. Maybe Chretien will change his mind, maybe Ryan will change his mind, maybe Castonguay will enter the race. But it looks like Gerard Levesque and one senses there isn't a match there for Rene Levesque and that Rodrigue Biron is not going to be the alternative.

So what do we do? I think there is very strong merit in saying that the province of Ontario has a profound role in reaching out to Quebec. I think it is important to say that the Premier can be and is a crucial figure in this confederation debate, far more crucial than he has ever permitted himself credit for. I say that not out of simple regard for him but because he is the Premier of Ontario, because on those occasions when he has talked feelingly about the country he has communicated and because it is important that we enter this debate in a way which says from Ontario the best thing we could possibly say to all of those federalists in the province of Quebec who want to hear it, that we want them to stay in this country and that there is no country without them.

I was reading in the last few days—and may I commend it to my colleagues in the Legislature—a very excellent book called "Divided We Stand," edited by Gary Geddes. It is a series of articles and reflections on the state of Canada. When my colleague from Ottawa East was talking about finding an identity, about what is a Canadian and how does one define it, I recall as I was listening to him one of the two finest entries in

this book, something written by Margaret Laurence. The other is by Margaret Atwood. Margaret Laurence had this paragraph. The member triggered it in me and I want to put it on the record.

"Our identity, to me, it is as rich and many-faceted as the names of our people. There has never been any doubt about that identity in my mind. Further, I feel no more need of defining it than I do of defining God. I simply know it is there. I can see it and feel it and relate to it in the works of our writers. Wole Soyinka, the Nigerian writer, once said in reference to negritude, 'Does a tiger have to define its tigritude?'"

I thought at the time as I read Margaret Laurence's essay what a remarkable expression it was. I thought also as I read at the time the first of Margaret Atwood's "Two-Headed Poems" what an amazing way she has of capturing the entire fluid situation we are in at the moment. Out of a simple reverence for and testament to my lovely, engaging colleague from Lakeshore (Mr. Lawlor) I want very briefly to read this one poem on the record at this point because I really think it says something poignant and important.

Well, we felt
we were almost getting somewhere
though how that place would differ
from where we have always been, we
couldn't tell you

and then this happened,
this joke or major quake, a rift
in the earth, now everything
in the place is falling south
into the dark pit left by Cincinnati
after it crumbled.

This rubble is the future,
pieces of bureaucrats, used
bumper stickers, public names
returnable as bottles.

Our fragments made us.

What will happen to the children
not to mention the words
we've been stockpiling for 10 years now,
defining them, freezing them, storing
them in the cellar.

Anyone asked us who we were, we said,
just look down there.

So much for the family business.

It was too small anyway
to be, as they say, viable.

But we weren't expecting this,
the death of shoes, fingers
dissolving from our hands,
atrophy of the tongue,

the empty mirror,
the sudden change
from ice to thin air.

What we in this chamber are saying is that it is time the atrophy of the tongue ended and the empty mirror was filled with a considered and thoughtful response from this Legislature, from this government and from the Premier of Ontario.

I want to end my observations by speaking to the present. If I have indulged myself in a reflection on the past and a view of the future, I now look at the present in the province of Ontario. While I see a very fine province, of which I am immensely proud to be a part as a citizen and a politician, I also see an enormous crisis that lies within the economy.

And I say to my colleagues opposite in the government, that the Conservatives collectively, however earnest or sincere they may be, are in the process of failing Ontario. Let them look around; they feel they are masters of all they survey, but they are traumatized by what they see. If I may coin a phrase, the Tories are creating an industrial wasteland in Ontario. That's what they are doing.

Let me point out just how they are doing that. The unemployment is extremely high and continues to persist. There is not a single initiative coming from this government. Do the Tories realize that? Do they realize how crass the politics have become over there? They read statistical data showing increasing unemployment month after month, or at the very least showing a levelling off at an intolerable height, and there is not a single initiative from their government. They are almost proud to stand in their places and say, "We have nothing to offer." Never has initiative been honed to such a fine paralysis as it is on that side of the House. Adam Smith would have reviled them. Edmund Burke would disown them. Nothing comes from that side of the House on the question of unemployment.

Now the layoffs have begun—Falconbridge, Inco, Anaconda, Ford, Chrysler, International Harvester. Does it make the Tories proud? Do they see it as some kind of achievement? Is it a matter of major initiative that they can come in here, week after week, faced with those kinds of layoffs? My colleagues from Sudbury, Sudbury East and Nickel Belt have raised that with the government and there is utterly no response. Ontario becoming a place to stand with the unemployed: is that what the Tories would wish to visit as the current legacy for the province?

Out of fascination I asked my associates in the caucus research group to take a look at the layoffs in the province of Ontario through the year 1977 and into 1978. I phoned the Deputy Minister of Labour. We were given access—I thank the minister for it—to all the files which exist for layoffs of groups of 25 and more workers in the province of Ontario through 1977 and into 1978. It doesn't include temporary layoffs. It doesn't include groups of less than 25 employees. We put it together with some of the most recent clippings. You cannot imagine what this demonstrates, and what it is doing to communities.

Mr. Speaker, with great rapidity just let me put some of it on the record for you. In Toronto, listen to the companies that have laid off workers within the last few months, in numbers ranging from 30 to something close to 800: The T. Eaton Company; F. W. Woolworth; Philips Electronics; Westeel-Rosco Limited; ACME Chemicals; Canada Wire and Cable; Savoy Foods Limited; TRW Electronics; Cameron-McIndoo Limited; Kambley Canada Limited; Sklar Furniture Company; FMC of Canada Limited; Frankel Structural Steel Limited; AP Parts of Canada Limited—Notice how many are in the auto parts sector—Bad Boy Appliances; Diebold Company of Canada Limited; Savarin Tavern; SNC Geco Limited; McGraw-Edison of Canada; Emanuel Products; Quasar Electronics; Massey-Ferguson Industries; CCM Bicycles; Montgomery Elevator; and probably we will be facing Anaconda.

In the area which the Premier of Ontario represents himself just west of the city of Toronto, Mississauga: Becton, Dickenson and Company; Canadian Admiral Corporation; Canadian Rexall Corporation; Reed Paper Limited; Fruehauf Trailer Company of Canada Limited and Sayvette Limited.

In Bramalea: Success Display Company; B. F. Goodrich Canada; Northern Telecom; OSF Industries; Wagner Brake Company and Tung-Sol International Corporation—one after the other, to the immediate west of Toronto.

In eastern Ontario, where there has always been this blight of chronic unemployment, now complicated by the layoff patterns, in Peterborough: DeLaval Company Limited; Outboard Marine Corporation; Canadian General Electric.

In Cobourg: General Foods and Uniroyal.

In Kingston: just in the social services alone.

In Ottawa, Bowmar Canada Limited and Provigo (Ottawa) Incorporated.

In Renfrew: Terry Travel Trailers Limited. In Almonte: Zephyr Textiles. In Brockville: GTE Automatic Electric.

In Brockville: Black and Decker.

In Cornwall: Crane Canada Limited.

In Trenton: Fabricon Manufacturing Limited.

In Picton: Hullmaster Boats Limited. This in a part of the province already undernurtured.

In central Ontario, in Barrie: Bombardier Limited has laid off.

In Midland: Bausch & Lomb Company Limited and Motorola Canada.

In Orillia: Shakespeare Company Limited and Fahramet Limited.

In Collingwood: Harding Carpets.

In Parry Sound: Rockwood International.

Is it evident what's happening in this province? Is there a community in Ontario which is not in the process of experiencing or anticipating a layoff that has taken place over the intervening 12 months?

In southwestern Ontario—Cambridge: Franklin Manufacturing Company Limited; Commodore Mobile Homes and Electrohome. In Guelph: Pirelli Cables Limited; Gilson Manufacturing Company and Harding Carpets Limited.

I point out to you, Mr. Speaker, the great majority of these illustrations and the numbers of workers associated with them, which I'm not bothering to read, come from the documents which we have not had tabled before us yet from the Ministry of Labour. One wonders why the pattern was never explored.

In Brantford: Harding Carpets; Robbins & Myers Company Limited and Abex Industries Limited.

In Dunnville: Lundy Steel Limited.

In Kitchener: Electrohome and Kevco Canada Limited.

In Waterloo: Sayvette Limited.

In Owen Sound: in the Ministry of Health alone a very large quotient, as you know, Mr. Speaker.

In Markdale: Junior Footwear Limited.

In Southampton: Sklar Furniture Limited.

In Mount Forest: Trimfoot Company Limited.

In Huron Park: Dayton Tire Canada Limited.

In Douglas Point: Lummis Company.

In Sarnia: Holmes Foundry Limited and Prestolite.

In Meaford: Globe Mills Limited and Amerock Limited.

In Fort Erie: Horton CBI Limited.

In Port Colborne: Algoma Steel and Inco Refining.

In Thorold: Haynes Dana.

In Welland: John Deere.

In Stoney Creek: Inglis Limited.

In Talbotville: Ford.

In Grand Bend: Bell Aerospace.

In Courtright: Beker Industries of Canada.

In Woodstock: Standard Tube; H. K. Porter and GNC Homes.

In London: Sayvette Limited; Kemp Products Limited; Silverwoods; McCormicks Limited; and Ridout Tavern and Garage Restaurant—we know of that dispute.

In Windsor: Rockwell International; Bendix Automotive; Chrysler engine plant and Chrysler truck plant.

In Stratford: Johnson Matthey & Mallory.

In Hamilton: Kennametal Tools; the recycling industry and International Harvester.

In Niagara Falls: Provincial Crane (Division of Dominion Bridge).

In Niagara-on-the-Lake, Shepherd Boats.

[2:00]

I come very nearly to the end, Mr. Speaker, but I do think it's worth having it on the record.

Northeastern Ontario: in New Liskeard: New Orleans Dynamics Limited, 100 people.

In Timiskaming: United Asbestos Incorporated, 287 people.

In Elk Lake: Grant and Wilson Lumber.

In Sudbury: Weston Bakeries, Falconbridge and Inco.

In Iroquois Falls: Abitibi Paper Company.

In Sturgeon Falls: the St. Jean de Brebeuf Hospital.

In North Bay: Jarvis Clark Company, H. D. Lee of Canada Limited, Canadian Johns-Manville, Craig Bit Company.

In Mattawa: Mattawa Forest Products.

In Sault Ste. Marie: Abitibi Paper Company.

In Callander: Sportspal Enterprises, Hudson, Abitibi Lumber (Hudson) Ltd.

In Manitouwadge: Willroy Mines.

In Pickle Lake: BACM Mine Developers Limited.

In Thunder Bay: Loblaw's Marketplace, Abitibi Fine Paper—Fine Paper Mill.

In Ignace: Matagami Lake Mines Ltd.

In Longlac: Weldwood of Canada Ltd.

And northwestern and northeastern Ontario are represented that way.

Let me tell the House what it comes to. It means that in a fairly short period of 1977, moving into 1978, we have chronicled within the Ministry of Labour something like 22,252 jobs lost by layoff alone. If you provide the smallest index possible of 1.5 jobs lost in the service sector for every job lost in manufacturing or resource, it means that by sometime in the middle of 1978, or the end of 1978, we will have lost effectively in this province something like 55,000 jobs through

layoffs alone—and that is a very cautious estimate. It is an estimate which is not fleshed out by the new information which comes to this Legislature, day after day and week after week, of additional layoffs.

May I say to the members opposite, they're just taking it laying down. They record it all as though they were good, clinical statisticians and they do absolutely nothing about it. They refuse to engage in any public sector investment. There have been no private-public investment initiatives. There has been no assessment of the layoff pattern across Ontario. There have been no specific plans for the manufacturing sector, despite the presence of sectoral analyses and sectoral studies within the Ministry of Industry and Tourism. All they've done for natural resources is the establishment of a select committee of this Legislature.

I have said it, my colleagues have said it a thousand times before and will say it a thousand times again, Mr. Speaker—this government is no longer fit to govern.

I feel no qualms in a kind of parting shot to put that to all the government members over there because, as I went to elaborate pains to point out in the beginning, even though we vilify them now, we will occasionally wish them well for the festivities of the season. But what has happened in this province in the last year is really witness to the deficiency of government. Therefore, in cumulative terms, speaking to the issues we have to deal with now, speaking to the hopelessness of the Treasurer's budgetary response when it was tabled, speaking to what the future may hold for this province, I don't think I have any alternative but to do what I am now about to do.

How I wish, as the Minister of Culture and Recreation (Mr. Welch) would know, we could bring the government down. They've done it once before themselves. They may wish to rise to the bait again. I leave that largely up to the Minister of Culture and Recreation. But as my last official act as leader of this party, I would like to move, seconded by my House leader colleague (Mr. Deans), an amendment to the motion.

Mr. Speaker: Mr. Lewis moves that the motion "that this House approves in general the budgetary policy of the government" be amended by striking out all the words after "that" and substituting therefor the following:

"Whereas unemployment remains acute in most regions of Ontario; and

whereas a calamitous pattern of layoffs is in process; and

whereas the government has shown neither capacity nor willingness to cope with either persistent unemployment or the realities of accelerating layoffs; and

whereas every useful, reasonable and creative suggestion to repair the economy put forward by the opposition parties, in the plural, has been summarily dismissed,

therefore, this government, at this time, no longer has the confidence of this House."

Mr. Peterson: Mr. Speaker, I know that no one in this chamber would envy me the task that I have following the leader of the NDP. We had a draw in our caucus; I lost. I am charged with the responsibility to follow a speech that moved me and that delighted me and that made me laugh and almost made me cry. It was typical of the very fine contributions that he has made over these great number of years to this House.

I say with some pride that I don't think I have ever missed a major speech that the leader of the New Democratic Party has made and I don't think I have missed very many of them. I regard that personally as one of the highlights and one of the perks of being a member of this House to have a ready and easy access to the leader.

I must say in addition that he was quite modest. He won the honour this morning as chief newsmaker of the year on the Metro Morning show. He edged out Ed Ziemba by a nose. I think that the House should know about that rare honour bestowed upon him.

We all know of his obvious qualities, his dedication, his hard work, his eloquence which is so obvious to all of us. But I know that every single member of this House would have something personal, a personal anecdote, a personal incident that would endear Stephen Lewis to them even more than is obvious through the media or through the external view that one would have of this House.

If I may just recount very briefly an experience of my own. We were in a debate. Stephen Lewis and I had a disagreement on a particular point. That being said, he phoned me the next morning and said: "You know, I have reflected a little bit and I am not sure I was completely fair." It wasn't as if the power of my oratory had convinced him. He had reflected a little and it just showed to me, as a member to whom he owed no apology or no explanation at any time, the kind of personality that he has—his warmth, his humanity and his humility, albeit occasionally in measured amounts.

It's interesting what his leadership of the party has done to him. As you know he is now Ontario's renowned and outstanding

authority on children's books. I guess that's what happens to leadership of that party after seven years. There is no other recourse. The mind boggles in fact at what will happen to his successor in office. It may drive Ian Deans back to the firehall. One never knows the process that sets in.

But I am very happy that he will continue to serve, because it is my view as a member that some of the finest contributions in this House today are made by past leaders. I point to my colleague on my right, the member for Brant-Oxford-Norfolk, who never ceases to amaze me and everyone else here with his energy, his refreshing new insights, constantly tempered with a sense of history, and a real feeling for this province. I admire that; I respect it; I hope it continues forever. In his usual fit of modesty he just kicked me.

But I say the same thing about the member for York South for whom I have a great deal of admiration. I think that this club of three ex-leaders will continue to make a very valuable contribution. I have this feeling that in the very near future there's going to be a fourth for bridge—a portly edition from across the hall. You chaps that have so much mutual respect and affection will have just a wonderful time.

There is also a club for those who haven't been quite successful, those of us who have lost and there are many of those in the House. I will welcome the three new additions from your party to that club shortly.

Mr. Foulds: Just two.

Mr. Peterson: We are still expecting a fourth option will arise. We don't know where it's coming from.

I think the leader of the New Democratic Party put the matter so terribly well when he said, "It really doesn't matter who wins." How right he is. Because what we saw with the last election, and we are in the middle of the process, is the return to the two-party system in this province. And I am proud to say, as official opposition, that we are one of those surviving parties.

Hon. Mr. Grossman: Name the other one.

Mr. Peterson: It is a budget debate, and I want to address my remarks to the budget. I am happy that by a quirk of fate I had the opportunity to speak twice on this budget. As you know, my original response was prior to the election, and because of an interpretation of the rules it allows us to briefly sum up and present our point of view at this time. I am grateful for that prospect.

I don't want to spend a lot of time. We are here much longer than everyone expected we would be to hear some very important remarks from my colleague from Ottawa East.

I totally associate myself, and I know the party associates itself, with the very sensitive position put forward by the member for Ottawa East. I am not sure whether we associate ourselves completely with the time he took, or the place he took to do it, but that's immaterial. What he said was valid and worthwhile, and I am glad it was said; and I am glad it was said in this session.

Mr. Conway: Sidney has awakened.

Mr. Peterson: I am going to cut down my remarks somewhat, and I don't want to deal with a whole litany of economic problems that face this province at this time. I don't want to deal in detail with capital investment, which is down 10 per cent; the prospects for capital investment, which are dismal; the fact that on most economic indicators we are running behind the national average on almost every count.

But I do want to say a very few words about unemployment. I respectfully submit to you that that is probably the most significant issue facing this industrialized—in the process of being de-industrialized—province that we will be facing in the near future. We are seeing troops of disaffected young people, frustrated, who are highly educated with no prospects and no place to go.

I say therein lie the seeds of the major change of the system as we know it today. We are obliged to take as a fundamental responsibility of this House today—not tomorrow—to go on constructive job-creation programs.

I say with pride that this party and my leader have constantly come to this Legislature and to the government with constructive, positive programs. I am so very proud of this party since the last election, and before the last election. Every single thing we have done has been constructive. We have come up with many programs to present to this government. Each one has been rejected out of hand. That disturbs me very much. We were constructive and we will continue to be constructive as best we can in the circumstances.

The only response from this government has been, day after day, that man with the grey hair across the House stands up wringing his hands, just oozing concern about almost every issue presented. And you know automatically that the first response he will have on any question is, "Mr. Speaker, I'm very concerned about this issue—" and then he goes on to do nothing. There has not been one economic initiative from this government in the past six months that I am aware of.

Mr. Conway: Sidney Handleman quit.

Interjections.

Mr. Martel: Your Moodie rating; that's all you worry about.

Mr. Peterson: I could talk about housing starts, which are away below the projected promises in that great and famous Brampton charter—the charter that the Treasurer two or three weeks after the election admitted was unrealistic, ambitious and—. At least the Treasurer in those circumstances realized it wasn't worth anything more than it is.

But all of the premises upon which this government deceived the people before the election have almost inevitably come to naught and none of them has reached fruition. Our projected growth of four per cent in the first six months and six per cent in the last six months, for an average of about 4.7 per cent, is completely shot. We are experiencing no more than half that kind of growth—below the national rate, I hasten to add, of about 2.9 per cent.

What has been pointed out earlier in this debate is that Ontario is in the process of being de-industrialized to the point of becoming an industrial wasteland. Believe me, we have so much more to lose than everybody else. I understand that. I'll tell you, we are going to have some very rude adjustments for the people of this province without some new economic initiatives.

[2:15]

I want to deal briefly with the four or five budgets that we've had in the last six months. The numbers have become so distorted in the last six months that in my judgement the Treasurer has lost any credibility that he ever had. It never ceases to amaze me—this political game is an extraordinary one—that what is so important often goes unreported or uncared for, while what's trivial gets played up and becomes a focus of all the collective attention of this House or whatever.

The Treasurer has, in the process, somehow managed to keep some credibility—I think—with some people in this province. To me that's incredible, because we have had a series of budgetary distortions the likes of which have not occurred in recent history.

I could take the members through the four occasions: 1. The budget, when we had a net cash deficit projected of \$1.77 billion.

2. Ontario Finances, June 30, there were major distortions; revenues were down, expenditures were down to match them; by one stroke of Darcy McKeough's pen, he cut his expenditures, tailored to his revenues.

3. September 16, following shortly thereafter, before the Provincial Municipal Liaison

Committee, revenue was down—\$309 billion, the cash deficit, the net cash requirements, were up \$217 million.

4. By September 30, some 15 days later, our revenue was down again and our deficit was up again, close to \$1.5 billion, the second highest deficit in the history of this province.

All this from a Treasurer who professes confidence and restraint and belt-tightening. He's got the belt up so high that it's getting around the people's necks in this province and we are going to suffer very substantially for that kind of irresponsible spending that has gone on in this province in the last seven years. The distortions that I am talking about have occurred in the Davis-McKeough regime. These are not things that are indigenous to the Tory regime. These are not the good management principles that we experienced through the 1960s and the 1950s. These are all recent phenomena. They are all functions of two personalities who happen to sit across the floor and who control these matters at this time.

I want to allude just to one other issue that concerns me greatly. We have had, in the last week, a lot of play from the Provincial Auditor's report. He has talked about the abuses, the \$658 worth of limousine fees and the 12,000 missing crying towels that maybe Eddie Goodman got after the election—I'm not sure where they went—and all of these things. None of them can be supported and we don't support any one of them and we're not condoning any of them.

What bothers me so very much is the focus on the trivial. Why aren't we putting more attention—and I believe the press is partly responsible for this—into the very critical issues that were revealed in that report? The fact that, for example, the teachers' superannuation unfunded liability went from about \$500,000 to \$1.4 billion. That is money that the taxpayers of this province are going to come up with in the future to pay for legal obligations created up until now. Through some fancy footwork and juggling, through the improper use of Management Board orders, money was shifted from one year to the other year in a very complicated series of transactions to disguise some of this ineffective budgeting and inability and their incapacity to reflect ahead and to provide for these kinds of things.

When the unfunded liability takes that kind of a jump in a three-year period, Mr. Speaker, let me tell you that creates problems for this province that our sons and our daughters are going to have to pay.

We're going to end up paying two and three times for some of the jobs that are now in existence. We are going to be robbing the productive capacity of the future, and if we think we've got economic problems right now, let me say it's nothing like we're going to see 10, 20 and 30 years from now, without some planning and vision now.

This government has no further vision than the next election, and it's going to have to change. I'll say with pride that on behalf of our party my leader has stood up on numerous occasions and taken the tough decisions that are going to leave something for our sons and daughters some 10, 20 and 30 years from now. I say that with a great deal of pride.

Hon. B. Stephenson: Oh, balderdash. Absolute balderdash.

Mr. Nixon: Come on, Bette, admit he's right.

Hon. B. Stephenson: No way.

Mr. Conway: After that singsong by the Minister of Labour this morning, anything would be an improvement.

Mr. Peterson: I have a list of jobs and companies that have been closed down or where major layoffs have occurred. The leader of the New Democratic Party has read some of these into the record and I won't reiterate because I don't think it would add any contribution to that. That process, particularly in the mass that it is occurring, has to worry any sensitive observer of this scene.

Heretofore I have seen not one initiative from the Minister of Labour, from the Treasurer, from the Premier or any other member of the cabinet or any member of the government in any way. I respectfully submit that these aspects are probably beyond the competence of the Minister of Labour. She may be all right in occupational diseases, but I can't judge that.

Mr. S. Smith: They take the credit when the economy is good but they blame the feds when it is bad.

Mr. Peterson: I'll tell you, Mr. Speaker, she is not very good when it comes to these kinds of industrial matters that need sensitive and intelligent co-operation by government in order to prevent some of these major layoffs.

I saw a little ad in the paper this week which, it seems to me, is going to stand as a mute testimony to the folly and the lack of action of this government. It read: "Used factory equipment sale on December 15, 1977. All tools, benches, bins, cabinets,

chairs, components, conveyors, desks, dollies, fixtures, instruments, lockers, pallets, shelves, small tools, stools and tables. All sales cash or certified cheque. Quasar Electronics Canada Limited."

One more industry has closed up completely. This wasn't a layoff. This closed up completely. There is no chance of resurrecting that kind of company, those jobs or that kind of contribution to our gross national product.

Mr. Conway: The Minister of Labour is a failure.

Hon. B. Stephenson: It would be useful if your member would understand the background to these problems, which he obviously doesn't, unfortunately.

Mr. Peterson: As I said with great pride earlier, we have attempted since the last election—and you will recall, Mr. Speaker, the things my leader said in the last election—and subsequent to then to offer as many constructive, positive suggestions as we possibly can. We have not once offered a ritualistic motion of no confidence. We haven't opposed any bills on first reading. We haven't done anything that in our judgement is irresponsible. We have attempted at all times to make a positive, solid contribution to the economic debate in this province. Not one of those suggestions was taken up.

I want to reiterate some of those because we will continue to push the government for them. We suggested a job-creation program whereby there would be employment tax credits up to 20 per cent so that we could assist small business, particularly Canadian-owned small business, in job-creation programs. We suggested that we liberate the pension funds that are now being consumed, almost in entirety, by this government from current consumption in the very high deficits that they are running. It should be liberated and put back into the free marketplace to build investment, to build the kind of capital programs that we need in this province, and in this country and to build some kind of economic future.

We have talked about looking at the whole educational program through apprenticeship programs and polytechnical programs to educate people to work with the kinds of needs we are going to have in the future. It is a continuing disgrace that Ontario Hydro is bringing in workers from England to do jobs that Canadian people can do. There is no excuse for that kind of thing.

I want to point out too that our task force on tourism, chaired by my very able colleague, the member for Victoria-Haliburton

(Mr. Eakins), has today made several suggestions for assistance in that particular area, which is one of great concern to the people in Ontario. I want to be specific about his suggestions. This is an interim report. They will be filing a complete report later on in the spring. In the process they have travelled to many communities in this province. They have visited with many resource operators and with many people in this business. They have sensitively received many suggestions and distilled them. I want to give members three major suggestions that they have, all of which in our judgement are constructive and positive.

They suggested the Ministry of Industry and Tourism be realigned so that tourism be joined with Culture and Recreation—that will give that little guy something to do—in order to place the emphasis on the function of the Ontario Heritage Foundation more in line with the interests of the tourist industry. Consideration should also be given to co-ordinating the provincial parks sector of the Ministry of Natural Resources with the tourism sector of the realigned ministry. We also proposed, in the light of the overwhelming support on both sides of this House for the Small Business Act, that the industry side of the realignment become a Ministry of Industry and Small Business.

We have these ministries at present operating at cross purposes. One minister is running around handing out money trying to ingratiate himself with the artsy-craftsy people in the province. The other minister isn't doing anything except running around the world. We need some help here and now. That realignment and emphasis on the wealth-creation part of our economy—tourism in one area, industry and business in another area—would be a very distinct asset to this province.

Mr. Conway: And a new minister.

Mr. Peterson: We also recommend that the provincial government undertake to re-establish a committee along the lines of the legislative committee on natural resources and tourism, whose last report was filed in 1970. This would provide an opportunity for the tourist sector to meet with the government every year to discuss its current problems and provide an ongoing dialogue, which the people in the tourist sector were very happy with. We have no idea why that was discontinued. It should be resurrected in a meaningful form to provide that kind of dialogue.

Mr. Martel: That was a farce, though.

They presented their briefs and never acted on them.

Mr. Peterson: I want to make one other suggestion that the provincial government should redirect its expenditure of funds from the ongoing consultant studies. The good Lord knows this government has studied to death, for example, a recent \$138 study for eastern Ontario that didn't say anything that local residents couldn't have told the ministry themselves. We have to get the funds out of things like Minaki and the ridiculous expenditures into the hands of the tourist operators, the actual independent Canadian operators who own and run these things where the money can really make a contribution. Those suggestions, in our judgment, will give some attention to this neglected industry that provides a very major contribution as one of the largest employers in our province.

I want to just talk very briefly about industrial strategy. The Treasurer constantly wrings his hands. Every time this is mentioned he denies it. He thinks it's like getting smallpox to talk about industrial strategy. I can assure you we have no such compunctions. We think the time is long overdue for an industrial strategy encompassing various components, and I want to talk briefly about that.

The elements of that, in our judgement, are the following. We would have a sector-by-sector, industry-by-industry analysis, with a review of our strengths and weaknesses and potentials. That is the first step. We would be initiating, working with, by way of joint venture, by way of tax assistance, by way of capital assistance, the new kinds of industries to create a new capital boom in this province. That is one of the potential ways of dragging ourselves out of this economic slowdown we are in.

Let us talk about some of the areas in which we think Ontario could take a lead: solar energy; the whole area of renewable resources we think is a valuable one; the area of toxic waste disposal. The good Lord knows we have spent a lot of time talking about that today. In mining machinery and equipment, where Ontario could lead because we do have a lot of accumulated expertise, in the whole waste management area, where my colleague for Wentworth North (Mr. Cunningham) had a private member's bill on this issue last week or the week before, I'm talking about new areas in which Ontario, in conjunction with private enterprise, could create wealth-creating, capital-creating industries that would create jobs, would retain our natural resources and would recycle and help Ontario to go into the new phase as we understand more and more our diminishing natural resources.

As I have said before, we would assist in stimulating labour-intensive small business. I revealed the program we have for that. We would be into a massive energy conservation program that we still think is necessary to take Ontario into the next few decades. We talked about that in our campaign. Insulation programs and various other things that are job-intensive, labour-intensive, highly decentralized and cater to small business—those things can be done and they can be done early with the right kind of government initiatives.

We are not at all against assisting those companies in this province which have a potential for world-scale or world-class competition. Let us assess our strength: our steel industries or whatever. We should not be creating the hostile kind of tax climate and adversary system that drive their initiatives out of them and drive them out of this province. And we must be, in my judgement, much better negotiators than we have been. [2:30]

Mr. Conway: You can't send Claude Bennett.

Mr. Peterson: I think Ontario has lagged dramatically in the whole tariff fight. It is our view that the government has not fought to protect the industry of this province. The Treasurer today is part of the crisis in confidence in the investment sector in this province. He is running around, perceived as the bearer of free trade, as the person bringing the news about free trade, the plastics industry, the confectionery industry. Day after day I get letters across my desk saying, "We will be driven out of business if this, in fact, happens," the way the Treasurer is talking. We must take a stronger, tougher stand on behalf of Ontario industry when we are in this perilous economic time.

We need an immediate renegotiation of the auto pact, and the \$2-billion deficit. This highly job-intensive industry should be here in this province. Ontario must take the lead. Our response to all of this is going to be, "Well, they're not provincial responsibilities; they're federal responsibilities." I say, "Humbug." Because 40 per cent of the industry belongs here. We are the ones who are suffering. The right Premier in this province could have a very large voice in the governing of this country. He could have a large voice in the Confederation debate. He could have a large voice in the economic debate. And so far, he has defaulted on both counts. We won't have it.

Mr. S. Smith: That's exactly true. He understands neither.

Mr. Peterson: There are a couple of other areas that I think the government has not been forceful enough in. Let me just take a couple of examples.

Look at the major purchasing that Canada is doing abroad today, the whole matter of the Leopard tanks from Germany. Why couldn't we insist as a *quid pro quo* that we have a decent kind of return in job-creating programs, highly research- and technology-oriented, in this province? There is no reason, for example, when we are buying tanks in Germany that we couldn't insist that all the communication devices be built by a world-class outfit like Northern Telecom. And, in the process we will develop markets and technology that we can take to other places in the world and develop our export business. We just can't take a passive role in these negotiations.

Why, when we are now on the verge of signing a \$1-billion order for airplanes, can't we insist that a very high degree of the research and technology is here in Ontario and areas like this? Through perhaps the inability to negotiate, or the lack of understanding of these problems, we are, in my judgement, taking a far less tough line than most countries in the world would take on these kinds of matters. We should be driving a much harder bargain for Canada and for Ontario. And, I will tell you, the Minister of Industry and Tourism (Mr. Bennett), the Premier and the Treasurer should be up front shouting for Ontario's place.

My colleague from Niagara Falls has brought up many times the whole question of the pipeline. We support that. We think there is absolutely no excuse if Ontario does not get a very major share of that contract. We are, therefore, saying to the government, as I have said many times that you have to take the initiative on that one. You should be up front insisting, as a condition precedent to that pipeline going across Canada, that Ontario gets a very major share of those jobs.

In closing, Mr. Speaker, I just want to add one other thing that has disturbed me. I think the style of leadership of this government maybe doesn't admit, or maybe won't admit, to the kinds of new programs we have talked about. It has disturbed me, as a private member in the last couple of weeks, the litany of waste and irresponsibility, albeit perhaps some of it is our collective fault—all of us as individual members of Parliament. I am not sure that that isn't partly the case, but I tell you, we need a new style of leadership from this government that we have heretofore not had.

Number one, we have to recognize there are some new economic realities facing this province, this country and this world. So far, the leader of the Liberal Party has been the only one, in public, and I exclude the leader of the New Democratic Party from this too, to say that the conditions have changed and we are prepared to adapt to those conditions. He was the only one who had the guts to stand up and say, "We are going to have to change our expectations. We are going to have to have some major overhauls in the way that we have been used to doing things."

The Premier blithely and naively said, "Well, Stuart, you are a crepe hanger. You are a prophet of gloom and doom and you are unrealistic." He blithely goes on with the same old pat answers that are the cause of our problems today.

Even the leader of the New Democratic Party, I say to him with great respect, has not had the guts to face up to these very new realities facing this province. In spite of that marvelous speech that he gave today—and I must say, I enjoyed it and I would have paid money to hear it—did he offer one constructive suggestion to the economic problems facing this country? Not one, Mr. Speaker, because I listened very closely.

The only semi-solution they have given at any time in public sector involvement—nationalize it, buy it out, appoint the member for Sudbury East as chairman, and let it go bankrupt under government hands or whatever. That is not the answer. The answers are complex and they are not simple. The suggestions that we have given today and the other ones that we have given in the past, and will continue to give, are in our judgement the start to some economic recovery. We are going to continue to press the government. We will give them constructive suggestions. We will work with them. We will do anything that's positive.

As I've said before, we have at no time taken a destructive attitude. When the government's tough on spending, you don't hear the Liberal Party standing up and saying we should be spending more for ridiculous things. When we talk about an increase in spending at all, it is always for job creation or constructive things that are going to contribute to the gross provincial product of this province, not more in terms of waste at this time.

We must concentrate on the creation of wealth, not on the distribution of wealth, at this time in our history. That is why we are going to continue to support and press this government. We are going to put for-

ward constructive suggestions. We will push them and we look forward to forming the government.

I say to you right now that we fear an election not one jot. We would go to an election tomorrow morning if we thought it would do any good for this province. We have the people who are making a marvellous contribution in every area. I say that with great pride about all of my colleagues. We could form a cabinet tomorrow morning three times as good as that one sitting right across there.

Mr. Gaunt: And on top of that, Mr. Speaker, we're modest.

Mr. Peterson: We said that an election was ridiculous last June and we were right.

Mr. Conway: Boy, were we right.

Mr. Peterson: An election would be ridiculous now because it's not going to solve these economic problems. But fear not, we are ready any time the government decides to have one.

Mr. Deputy Speaker: The hon. member for St. Andrew-St. Patrick.

Mr. Bradley: The minister of beer.

Hon. Mr. Grossman: Thank you, Mr. Speaker. No beer.

Mr. Martel: At least not in the ball park.

Hon. Mr. Grossman: Mr. Speaker, it is a pleasure today to participate in the debate on behalf of my party in winding up the budget debate.

Mr. Sweeney: Winding down—you haven't wound up for years.

Mr. Kerrio: Winding down.

Hon. Mr. Grossman: It is a pleasure to be performing this function, although following the member for Scarborough West, I feel as I sometimes feel when I'm caught standing between and beside the Minister of Northern Affairs (Mr. Bernier) and the Minister of Transportation and Communications (Mr. Snow).

Mr. Martel: Two wounded moose in a snowstorm.

Mr. Peterson: We feel that way too.

Hon. Mr. Grossman: But then again, having heard the contribution made by the member for London Centre, I suddenly felt as though the member for Nickel Belt came over to stand beside me.

It is appropriate today for all of us in this often unreal place to acknowledge the immeasurable contribution made over the years by the member for Scarborough West to the elevation of the significance of this chamber as a place where informed and persuasive

debate may bring the real world in and reshape and actually improve it, to reaffirm the very relevance of this place which is sometimes questioned. As the member for Scarborough West so eloquently put it today, it should not be questioned. The place is relevant.

Today is his last day with us as leader of his party, barring a draft movement, of which I and at least three other members of his caucus are unaware at the present time. I know we all hope it doesn't occur. If the draft movement in fact happened, it would kind of be the last vengeance of the RCMP against the Waffle.

Mr. Conway: Let's draft Darcy. It's the only way he's going to get it.

Hon. Mr. Grossman: If the member for Scarborough West has taught us anything in this place, it is that our thoughts, principles, good intentions and convictions means so much more to people in the real world outside of this place, when they are articulated with a precision that is laboured at and polished and always purposeful.

Mr. Bradley: Who writes this stuff?

Hon. Mr. Grossman: As his peers, our chief solace in seeing him give up the leadership of such a burdensome party, as he shakes off the albatross, is to know that he will have more time to spend with us in this chamber, even if he is mostly reading children's books as we on this side make our contributions.

Mr. Kerrio: Who wrote that speech? The ghost of Christmas past?

Hon. Mr. Grossman: From there, he can teach us even more how to be true parliamentarians in debate as well as in conscience. This room would be diminished for us and for the real world out there if the hon. member were not here. As I listened to his address today, what he himself would describe as a cathartic exercise, I was thinking of the many words which will be absent at least during the first two questions of the day from his party—words like, "mellifluous," "insufferable," "philosophical," "exhilarating," "happencestance"—I like that one—"effrontery," and one of his favourite turns of phrases, "... it speaks to your insincerity." No one can say it the way he can say it. "It speaks to your insincerity."

Mr. Kerrio: Why don't you do your own thinking, Larry?

Hon. Mr. Grossman: This morning he said he was going to continue to barrack and declaim raucously us on this side of the House. He was going to "disgorge," when others of us would simply say we were going to "state." Those words will not soon leave

this chamber and, indeed, many of us hope they don't.

Mr. Kerrio: Bring back Elmer Sopha.

Hon. Mr. Grossman: This morning as he was talking about how he was going to continue to barrack and declaim us, going to continue his efforts to fight off capitalism to the death, I was thinking back to some words I had heard earlier: "I haven't the slightest intention of bringing any of the major sectors of the natural resource area under public ownership. It doesn't make any sense to me." Who do you think that was? Bill Davis, Darcy McKeough, Sterling Lyon? No. Jack Horner?

Mr. Martel: Right on, a friend of yours.

Hon. Mr. Grossman: Wrong again. Bill Bennett? Wrong again.

Mr. Martel: Don't remind me.

Hon. Mr. Grossman: No, it was the member for Scarborough West. But as he would say, "Well, it's to be forgiven. It was all in the heat of an election campaign. It was just political posturing." We understand that.

Mr. Kerrio: You invented it.

Hon. Mr. Grossman: Although we suffered so terribly when he was so viciously hitting us during the heat of election rhetoric, we did understand it. Most of us on this side, I might say, had the joy of experiencing a camaraderie with him at the conclusion of those attacks.

Mr. Lawlor: We are gradually being driven to it, aren't we?

Hon. Mr. Grossman: Mr. Speaker, I am pleased to close the budget debate on behalf of the government. In doing so, I would like to make a few comments under two general headings which are rather appropriate today.

The first, I would call "internal" or "unreal," the second "external" or "real." The motion before us today brings the two together.

By "internal" I mean comments relating to activities among ourselves here in this building. Despite our sweat, frustration and overwork—and even the sometimes theatrical behaviour in this chamber—from time to time it all seems very unreal. We all feel, from time to time, that what goes on here would be understood by few visitors. As we look up to the galleries, some days we think that may be true. Few of our constituents can really appreciate what goes on here.

Some of my colleagues of the class of 1975 joined with me in the early days of the fall of that year, to reflect on what we could accomplish here as opposed to what we

might be able to accomplish out in our ridings, working at the grass roots and solving individual problems. Since that time, a lot has changed.

One thing that has changed is that we now have publicly funded constituency offices, designed to help us have more time to dedicate to the very important roles we play here. In that connection it's appropriate here to acknowledge the contribution made by the Premier in funding those offices.

Mr. Philip: Some of us had them before. [2:45]

Hon. Mr. Grossman: I had them before as well. What I want to say seriously is that members of this House, who enjoy with me the benefits of constituency offices; and indeed more important our constituents, who enjoy the benefits of constituency offices today; ought to acknowledge that the Premier and the government House leader volunteered their support to the concept and their commitment of government funds to that concept. Members on the Morrow select committee and the member for Scarborough West and the member for Wentworth made compelling representations and deserve credit for those representations, but the ultimate decision was, indeed, with the government, and the Premier made that commitment and stuck with the commitment because it was the right thing to do.

We should note here today that the commitment to those constituency offices was made exactly two years ago as we rose for the Christmas break. Earlier this week, we passed the bill giving all members of this House an increase in compensation. Again, it was not just because of representations, as Tuesday night's debate here made clear—

Mr. Kerrio: Yakabuski voted against it.

Hon. Mr. Grossman: —but because the government had made a commitment to such a bill last summer, and the government House leader's bill and his statement in the debate earlier this week made it clear that commitments on this side of the House do mean something.

Mr. Kerrio: You forgot to tell Yakabuski.

Hon. Mr. Grossman: In that respect, Mr. Speaker, the passionate but totally unreal aspects of debate here on Tuesday night, as I look at the member for Renfrew North, seems simply to have been unneeded. However it was good if graceless ventilation and that, I suppose, on occasion is what Parliament exists for.

Mr. Roy: What about the comments of your member for Renfrew South (Mr. Yakabuski)?

Hon. Mr. Rhodes: Go back to your seat.

Hon. Mr. Grossman: Don't do that. He might make a contribution like he made earlier today.

I want to make reference, as part of my comments on the internal workings of this place, to the Leader of the Opposition. It is a reflection of his mellowing leadership that today there is not an amendment moved by his party, in order that the amendment of no confidence already placed might be further complicated. Such further amendment, while it might fulfil an ancient ritual in this place in earlier years, of course, in minority situations becomes a matter of rather volatile importance.

We have indeed, Mr. Speaker, since the presentation of the sum and substance of this budget, had a slight consultation with the people of the province and, notwithstanding the barracking opposite earlier today, the people of the province have indeed spoken on the budget presented by the Treasurer—

Mr. Conway: They sure have.

Hon. Mr. Grossman: —and the vote of that ultimate jury, which those of us on this side acknowledge and respect, is clear.

Mr. Roy: Yes, well why did you have an election June 9?

Hon. Mr. Grossman: There are more of us over here than there were when the budget was originally presented.

Mr. Roy: Not as many as you wanted.

Hon. Mr. Rhodes: It cost you guys a seat.

Hon. Mr. Grossman: There are more popular votes behind the people sitting here than there were before that budget was presented.

Mr. Roy: And it cost millions. It cost you 20 million bucks.

Mr. Kerrio: And there is a bigger deficit.

Hon. Mr. Grossman: Mr. Speaker, I am glad and happy to report that the wisdom of the people of this province, which we trust on this side of the House—

Mr. Kerrio: Tell us how you are going to balance the budget.

Hon. Mr. Grossman: —was once again vindicated by the Treasurer's recent statement indicating that job creation in the past year had, in fact, grown beyond the 100,000 target set by the Treasurer earlier this year.

Hon. Mr. Rhodes: Most of them in the Niagara Peninsula.

Hon. Mr. Grossman: To be sure, the future going will be difficult, for all the reasons the Treasurer had been citing, but the readiness of this government to take steps which will

not break our faith with the people of Ontario is there.

It will, in fact, be the job of this government to deal with further economic problems, or the continuing lack of confidence which we experienced during that period of time when the then official opposition, the NDP, was able, from time to time, having the luxury of rather more employment, to attack the government on environmental matters, for example; we just don't hear them talking so much of that these days—

Mr. Roy: What are you suggesting?

Hon. Mr. Grossman: The biggest and most disturbing regional economic blow during this session came, of course, with the news of the approaching job reductions in the nickel industry in the Sudbury basin. All of us on this side were anxious to take all reasonable steps to satisfy ourselves that the layoffs could be justified by those employers and that the dislocation to employees and their families could be minimized.

The Premier promptly offered to have a House committee examine the matter, and the terms of reference were acceptable to us all. I hope that the responsible qualities of the select committee's imminent scrutiny of Inco and Falconbridge will increase public respect for this House. I hope it will demonstrate the responsiveness of this government to the problem, rather than decrease the respect of the public for this Assembly, as some columnists and some editorialists have speculated.

I want to reinforce that it was an example of this government's immediate responsiveness to what was an urgent and pressing public matter. It was a situation in which there were unanswered questions in the public's mind. It was not a situation to set a precedent for this Assembly, opening up the books of every company in the province, or calling down every company cited by the leader of the NDP today in his litany of layoffs. It was not a situation to call each of those companies before a public body for a public analysis—

No, sir; it was an effort to respond to justifiable concerns in the Sudbury basin and throughout the province with regard to the enormity of the situation, to analyse what could be done in view of the fact that there was some trust among all of the parties involved and in view of the confidence that this government had in the two companies and their union's leadership. We believed that the two sides themselves could work hard to reach arrangements to offset dislocation. Such trust has been significantly vindicated by the

two sides and I hope it will be further assisted by the select committee.

The position of the government, that nationalization was the last so-called "answer" that we should try, that position as well is being fully vindicated. The nationalization cry of the NDP members from Sudbury is being accepted as relevant only by some of their very pure partisans.

Mr. Conway: What about Marv Shore's cry?

Hon. Mr. Grossman: I note here that one of the NDP members moved a non-confidence motion on the Inco layoffs. At that time it was entirely legitimate in this forum as a device for allowing parliamentary debate on that important matter. Let's understand that the motion was just that and no more.

As the opposition parties take full advantage of their supply-day confidence opportunities, I only hope that we here, our observers in the gallery, and especially the people out there in the real world, will also remind one another that such motions, while definitely a risk in substance, ought to remain debating devices only as long as we wish this Parliament to continue.

Mr. Conway: You didn't express that very clearly.

Hon. Mr. Grossman: It may well be that the foreshortened time we have contributed to the budget debate this session is one reason why we haven't had any amendments put up for debate, until today. In that connection, on behalf of the Premier and the government House leader, I want to thank the other parties for their genuine and hard-slugging support of our target of completing the vastly extended supply process in a much reduced time frame before Christmas.

As a back-bencher until not that long ago, I also want to acknowledge the hard work of government back-benchers in participating through the endless hours of estimates. I can't let this opportunity go by without acknowledging as well the outstanding contribution made by our new members over here, those who have shown up since the first presentation of this budget. It is a vastly reinforced caucus on this side, something our friends opposite cannot say about their caucus.

Mr. Conway: What about the member for Timiskaming's (Mr. Havrot) contribution?

Hon. Mr. Grossman: Well, what about the member for Timiskaming? How happy we are to have him as one of our three returnees on this side of the House.

Mr. Makarchuk: For \$20 million they bloody well should be.

Hon. Mr. Grossman: As my friend opposite, who suffers from having had to live in the shadow of Paul Yakabuski throughout his entire parliamentary career often calls them—the "good burghers" of Timiskaming, Peterborough and London South now have had time to reflect on the mistakes they made in 1975.

Mr. Sweeney: And they'll have more time to reflect on the mistakes you made in 1977.

Hon. Mr. Grossman: How pleased we are to have those three members returning here.

Mr. Makarchuk: Try it again. For \$20 million you should be.

Hon. Mr. Drea: You see how we inspire him?

Hon. Mr. Grossman: We do hope they learned more in their short absence than the member for Brantford (Mr. Makarchuk) learned in his absence from the House a few years ago. We're also pleased to acknowledge the new Durham representation on this side of the House—100 per cent. The member for Durham West (Mr. Ashe) should get a special award from this caucus—the Purple Heart perhaps—for having sat through an incredible number of hours of debate this session listening to the member for Welland-Thorold (Mr. Swart). What a heck of a way to start a parliamentary career.

As a member from Metropolitan Toronto, I am encouraged by having the member for York East (Mr. Elgie) join us, my colleague behind me, who is just coming in as promised. He has made a valuable and important contribution already in this Assembly.

Mr. Gaunt: That's what I call timing.

Hon. Mr. Grossman: Indeed, talking about the good burghers, I notice the good burghers in Armourdale and Wilson Heights have now thought better of their flirtation with outspoken, forward liberalism, and now have decided to opt for Progressive Conservatism, sending us some hard-working and thoughtful members.

Mr. Makarchuk: Is there a difference?

Mr. Gaunt: They'll regret it.

Hon. Mr. Drea: If you leave him alone long enough, maybe he'll say something nice about me.

Hon. Mr. Grossman: In view of the representation Ottawa suffers through, in Ottawa Centre especially—

Mr. Bradley: How many seats did you get in the Niagara Peninsula?

Mr. Kerrio: Talk about the Peninsula for a while.

Hon. Mr. Grossman: —it is good to know that area has replaced one of our very fine members, and sent us the member for Carleton-Grenville (Mr. Sterling) and the member for Ottawa West (Mr. Baetz).

Mr. Sweeney: That sounds like a comment the Premier would make when he went to the wasteland. It's still a wasteland.

Mr. Makarchuk: Don't forget the member for Hamilton Mountain.

Hon. Mr. Grossman: The independence of members such as the member for Carleton-Grenville is admired, respected, and important on this side of the House.

Hon. Mr. Drea: Look where it got me.

Mr. Sweeney: How is your high blood pressure?

Mr. Bradley: All you have to able to do over there is pound your desk.

Hon. Mr. Grossman: Indeed, I know members opposite wouldn't want me to complete my remarks about our caucus without referring to that fine soft-spoken addition to our caucus, the member for Cochrane South (Mr. Pope).

Ms. Gigantes: What does all this have to do with the budget?

Mr. Sweeney: What about the budget, Larry? Why aren't you talking about the budget? There's nothing to talk about. You're ashamed of it; that's why you're diverting yourself.

Hon. Mr. Grossman: The member for Cochrane South is indeed in a position to do what his predecessor couldn't do; that is actually produce for the people of the north.

Mr. Makarchuk: He is another of the \$4-million members. Four million dollars a member.

Hon. Mr. Grossman: But of course his ability and his stature, not only his location in this House, will make the major difference.

Mr. Sweeney: Cancel the budget; it's not there.

Hon. Mr. Grossman: How about it? Every time I hear mention of Minaki Lodge in this House—and it's daily—I love to turn around just behind me and see the new member for Fort William.

Mr. Conway: He and John Rhodes went to the same school of political conversion. He doesn't know which side he's on. He's the biggest farce and embarrassment you've had for years.

Mr. Sweeney: Where is he? Turn around.

He's not here. He's not in the House. Now how much did he cost you?

Hon. Mr. Grossman: He has likely gone back to serve his good burghers in Fort William.

Mr. Sweeney: His chair is the same as his speech—empty.

Hon. Mr. Grossman: The good judgement and sensibilities of the voters when the chips are down is amazing. Whether they're standing in front of the NDP campaign bus or going to the ballot box, they know which party is for the people of the north. My colleague from Simcoe Centre (Mr. G. Taylor), who has made such a valuable contribution, will, we know, live up to the great service record of his predecessor, and we're happy as well to have him with us.

Mr. Swart: Talk about Hamilton Mountain.

Hon. Mr. Grossman: I know I've taken more time to talk about the additions to my caucus, but that's for an obvious reason—I've got more to talk about.

Mr. Riddell: When are you going to say something that's relevant?

Mr. Makarchuk: Four million dollars a member.

Hon. Mr. Grossman: Really, I quite enjoyed listening to and reading the remarks of the Leader of the Opposition, congratulating himself on his great election victory where he only lost one seat and several points in the popular vote. I just hope I'm not here long enough to experience a victory such as that. [3:00]

Mr. Sweeney: He has also achieved what he set out to achieve.

Hon. Mr. Grossman: I know I won't be here that long. I'll never be here when our party goes through that exercise.

Mr. Bradley: You thought you were going to run away with it.

Mr. Conway: Minority bill.

Mr. Deans: When won't he be here? I missed that. I'm sorry.

Mr. Conway: Typical of your budget.

Mr. Sweeney: \$20 million fiasco.

Mr. Swart: The quality of your speech is told by the attention you got.

Mr. Conway: The question is, is he going to stay on?

Hon. Mr. Davis: On where?

Mr. Kerrio: Back to the budget.

Mr. Deans: Larry, I think your dad delivered this same sermon about five years ago.

Hon. Mr. Grossman: It improves with age.

Mr. Deans: I am not so sure.

Hon. Mr. Grossman: There are some differences in the dynasties, I must say to the member for Wentworth. I heard his leader saying that his daddy—that is, your leader's daddy—had reported to him that defeat is a wonderful thing. My daddy never could report that to me. That is not part of the dynasty on this side.

Mr. Deans: You'll be able to report it to him.

Mr. Bradley: Now I know why you are in the cabinet.

Mr. Sweeney: You know what? You'll find out!

Mr. Conway: With the \$28,000 sinecure he was given, I'm not surprised he would say that.

Hon. Mr. Grossman: I was really not going to be provocative today. My colleague the Minister of Correctional Services (Mr. Drea) has to catch a train. Will you let me complete my remarks, please?

Mr. Kerrio: Get the hook.

Mr. Sweeney: He's the only sensitive one on that bench.

Hon. Mr. Grossman: That makes us one ahead of you guys. The member for London Centre was sort of flirting around the budget and economic policy. But I thought I would take a moment or two to give him some facts—

Mr. Bradley: He talked about the budget; you haven't.

Mr. Conway: You are not a flirt. We know that.

Hon. Mr. Grossman: —that Harold and others haven't been able to dig up for him. I heard the member talk about a lack of contribution by the very fine Minister of Industry and Tourism. Let's look at what is happening in Ontario manufacturing. From January to September 1977, Ontario manufacturing shipments were 9.8 per cent higher than a year ago. What about it? Is that a lack of contribution by the minister or was it accidental?

Mr. Conway: Resign.

Mr. Deans: It should have been higher.

Hon. Mr. Grossman: Let's look at the merchandising trade. Ontario retail sales consolidated their third-quarter recovery in October with a 5.1 per cent jump over September levels.

Mr. Deans: Disgraceful.

Hon. Mr. Grossman: Canadian sales were

two per cent lower, at 3.1 per cent. Was that all accidental here in the province of Ontario?

Ontario sales, unadjusted, for the first 10 months of 1977 were 7.6 per cent higher than the year-earlier levels. For Canada the increase was again lower—7.3 per cent. And on jobs—we have heard so much about jobs.

Mr. Deans: This is the industrial heartland, for heaven's sake.

Hon. Mr. Grossman: We know that all unemployment, if you listen to the opposition parties, is our fault. It is all our fault over here.

Mr. Deans: You have done absolutely nothing.

Hon. Mr. Grossman: But let's look at the jobs that were created. I suppose they are accidental. Is that right? It is absolute nonsense to suggest that we are responsible only for the ones that disappear—

Mr. Deans: Not one single program.

Hon. Mr. Grossman: —but we are not responsible for the ones that are created.

Mr. Deans: You haven't brought forward one initiative, not one.

Hon. Mr. Grossman: And let's look at how many have been created. The charter promised 100,000 a year; 137,000 new jobs have been created.

Mr. Deans: And the need is 170,000.

Hon. Mr. Grossman: Wait a minute. That was only for the last 11 months since December 1976, so it will be higher than 137,000.

Mr. Deans: And the need is 170,000. You are falling short every year.

Hon. Mr. Grossman: Let's look at jobs some more.

Mr. McClellan: So what?

Hon. Mr. Grossman: Let's look at the job creation initiated through the budget.

Mr. Kerrio: Talk about how you are going to balance it.

Hon. Mr. Grossman: The acceleration of the provincial government's capital spending by \$75 million in 1977-78 added 3,356 jobs in the following areas: Accelerated road projects; agricultural infrastructure; repairs to university and college buildings—

Mr. Bradley: Even the Minister of Energy (Mr. J. A. Taylor) is leaving you.

Mr. Riddell: Let's hear about agriculture.

Hon. Mr. Grossman: —accelerated water and sewage treatment plants; repairs to government buildings; insulation of government buildings; health capital projects—3,356.

Mr. Deans: You had to make the repairs or the buildings would have fallen down.

Hon. Mr. Grossman: Jobs for youth: Unemployment among youth in all western countries is serious.

Mr. Bradley: How about jobs for barbers?

Hon. Mr. Grossman: But what about Ontario? An outstanding record for initiative. Regular summer employment 10,000 jobs. Summer experience program, 11,492 jobs. Ontario career action program, 2,950.

Mr. Conway: Your father must have written this.

Mr. McClellan: Tell this to the unemployed.

Hon. Mr. Grossman: Youth care for senior citizens, 250. Total 24,692.

Mr. Conway: Has John Yaremko got any kids?

Mr. Deans: And 50,000 jobs lost.

Hon. Mr. Grossman: You were pretty quiet when you were hearing the litany of layoffs over there. Why don't you sit down and listen to the jobs that were created?

Mr. Kerrio: Your job creation is like your budget; you are in deficit.

Hon. Mr. Grossman: The Ontario youth employment project attracted applications from more than 23,000 businesses and farms and approved funding for the creation of more than 35,000 positions for Ontario youths.

Mr. Conway: Bill, has John Yaremko got any kids you could bring in here?

Hon. Mr. Grossman: In November, Ontario's seasonally adjusted unemployment rate was 6.8 per cent, the same as in October.

Mr. Deans: Which you find quite acceptable, no doubt.

An hon. member: This is really full employment, isn't it?

Hon. Mr. Grossman: Canada's unemployment rate has risen from 8.3 per cent in October to 8.4 per cent in November. There it is—as always we continue to outperform the rest of Canada when it comes to job creation.

Mr. Deans: This is the industrial heartland of the nation.

Hon. Mr. Grossman: We must remember that, when those—

Mr. Deans: Are you comparing yourself with Prince Edward Island?

Hon. Mr. Grossman: —opposite suggest there is no initiative in the area of job creation from this government.

Mr. Kerrio: Compared to Newfoundland, you look great.

Hon. Mr. Grossman: We are not outperforming the rest of Canada by accident.

Mr. Deans: You are the main cause of the problem.

Hon. Mr. Bennett: Certainly, you do a great deal in your party too, a great job! You talk about everything under the sun—

Mr. Deans: That's right—give us 12 months and we'll outproduce you three to one.

Hon. Mr. Bennett: —to diminish the importance of Ontario in the eyes of the public of the world. You are doing a great job! Keep it up.

An hon. member: Don't worry, Claude is being dumped.

Mr. Deans: Ever since you became minister, there has been more unemployment than there had ever been.

Hon. Mr. Bennett: With that kind of helpful information, we can do a great sale.

Mr. Deans: You have done absolutely nothing. You haven't created a single job.

Hon. Mr. Bennett: You had better go back and check your records because they are about as false today as they have been for many years.

Mr. Speaker: Will the member for Wentworth and the Minister of Industry and Tourism carry on their debate outside?

Mr. Kerrio: It makes more sense than the one that is going on here.

Hon. Mr. Grossman: Mr. Speaker, he would rather be in here. It's better than debating with the member for Ottawa Centre (Mr. Cassidy). It's at least at a higher level in here.

In any case, Mr. Speaker, we are proud of the economic record of this government. It isn't one which is easy in these times. But, in fact, when we hear the barracking from the members opposite on the whole topic, they don't want to look at the picture relative to those problems that all of Canada faces.

And, you know, when they talk about those things, what they don't talk about is the initiative of the Premier of this province in forcing the federal government to finally agree to have a first ministers' conference—

Mr. Bradley: Keep talking; you know why they are not talking about it.

Mr. Deans: Oh, another conference, another conference.

Hon. Mr. Grossman: —in order that these problems which are obviously so national in scope can be dealt with on a joint federal

and provincial basis in February of next year.

Mr. McClellan: Is this the Christmas laugh?

Mr. Deans: How many jobs will the conference create?

Hon. Mr. Grossman: It's easy. If you want to say it's totally provincial, then acknowledge that we are outperforming the rest of Canada in job creation. If you want to say it is totally federal, then acknowledge the initiative of the Premier of this province in saying we have to have—

Mr. Deans: I say you are producing nothing.

Hon. Mr. Grossman: —a federal-provincial conference to deal with this; it's a national problem. One way or the other, this government has acted and will continue to act in that field.

Mr. Deans: I will acknowledge both the Premier's initiative and your lack of initiative.

Hon. Mr. Grossman: Mr. Speaker, I don't think we should conclude the debate today without a reference to the matter of Confederation, a topic of major concern to all of us in this assembly. We are not terribly close to the total resolution of this problem, as we close this session.

Mr. Deans: You are not even moving in the right direction.

Hon. Mr. Grossman: Of course we are. You weren't here to listen to your leader.

Mr. Deans: I was listening.

Hon. Mr. Grossman: You were here but you weren't listening.

Mr. Deans: I was here and listening to my leader; it shows how little attention you pay.

Hon. Mr. Grossman: You are confusing his remarks with the remarks of the member for Ottawa East (Mr. Roy).

Mr. Deans: I would never confuse my leader's remarks with his remarks.

Hon. Mr. Grossman: The Destiny Canada conference, held at York University in June, provided a much-needed forum for discussion on this issue. It shows that people are interested in the future of Canada and that there exists today an opportunity for change—change that can and will meet the needs of all Canadians.

Mr. Conway: Why don't you stand up?

An hon. member: That's just a blinding analysis—scintillating.

Hon. Mr. Grossman: You couldn't have

been here for the member for Ottawa East's speech.

That conference focused on the views of people of varying background and cultures and it was a success because the participants addressed directly the directions that have been raised in the minds of all Canadians on this matter.

The Premier, in his presentation to the Task Force on Canadian Unity, stated this government's position with regard to Quebec and the changes required in the structure of this nation.

An hon. member: You can stop now; you are in the front row.

Hon. Mr. Grossman: This government remains optimistic about the future of Confederation and the role that all Canadians will play in that future. We realize, however, that the ultimate solution to this problem depends upon the personal commitment of all of us to resolve the differences that exist and at the same time preserve our individual and collective heritage. We have called for a disentanglement of federal and provincial responsibilities—

Interjections.

Hon. Mr. Grossman: Mr. Speaker, about three of us on this side were polite enough to stay—it was difficult—through the junk thrown out by the member for Ottawa East during his comments on Confederation.

Mr. Kerrio: We'll do the same for you, Larry; we'll hang in here.

Hon. Mr. Grossman: On this delicate topic the members opposite could at least show the same restraint we tried to show over here.

Mr. Bolan: Can't you stand the heat?

Hon. Mr. Grossman: Admittedly a number of us chose to leave the House while the member for Ottawa East was suggesting this party brought it out during the election campaign—

Mr. Bolan: We were not suggesting anything.

Hon. Mr. Grossman: —and said you must vote for Bill Davis to save Canada. That sort of rhetoric by the member for Ottawa East ill lies in the mouth of someone who periodically stands up in this assembly and tries to hold himself up as the sole saviour of Confederation. It's hardly constructive, it's hardly fair—

Mr. Cunningham: That's exactly what he said.

Hon. Mr. Grossman: —and, as usual, it's not at all accurate.

An hon. member: It's totally misleading.

Mr. Sweeney: It is dirty pool.

Hon. Mr. Grossman: We have been constructive on this side. We have called for a disentanglement of federal and provincial responsibilities, which we hope will result in a clearer understanding of the role each level of government must play in our daily lives.

We have called for a new constitution which allows for the free flow of people, a commitment to increase regional economic opportunities, regional representation on all federal bodies, and language guarantees in education. The debate is far from over, and this government is an active, willing and leading partner in that debate.

We on this side of the House understand the vehicle being used by the leader of the third party today in proposing an amendment to the budget motion. It obviously has been a time of some frustration for the opposition. They have endeavoured, as is their right, to blame the government for all ills and evils, ranging from plant shutdowns to difficulties with the Children's Aid Societies in our province. Fluctuations in the offshore price of coffee, along with increases in energy costs and difficulties encountered at the Bruce generating station have all been lumped into a general opposition criticism—

Mr. Kerrio: Who is in charge of the works?

An hon. member: "Companies wouldn't lie to me."

Hon. Mr. Grossman: —of the government responsibilities to the overall economic circumstances in Ontario. In reality, the province has been performing relatively well, economically, despite levels of unemployment—

Mr. Kerrio: Compared to what?

Mr. Martel: That is why you should be defeated. You don't even recognize the problem.

Hon. Mr. Grossman: —which no one in this House finds acceptable. In fact, the unemployment trend in this province is far better than in the rest of the country.

Mr. Kerrio: Especially Newfoundland.

Hon. Mr. Grossman: The government has met its commitment with respect to the creation of new jobs to respond to an ever-increasing work force. It is totally appropriate and unavoidable that the government will face the blame and rancour of the opposition on an ongoing basis. That is the way in which our system operates, and that

is the premise upon which the adversary element of the parliamentary system is based.

Mr. Conway: Now you are not doing too badly.

Hon. Mr. Grossman: But we would do well, Mr. Speaker, to understand that the very worst thing the government could do would be what in fact the opposition would have us do—thrash around changing directions, policy and emphasis as every new apparent crisis came along.

Mr. Swart: Stay right in the mire where you are.

Hon. Mr. Grossman: That would not be government, but rather administration by press release. You guys know what administration by press release is all about.

Mr. Martel: Where it says McKeough planned the last one. It was staged.

An hon. member: The master of political propaganda; I don't know how he can accuse us.

Hon. Mr. Grossman: It would be tantamount to serving the public through involuntary reflex as opposed to thoughtful policy and programs. Thoughtful policies and programs are the hallmark of the last 34 years in the province of Ontario.

[Applause].

Mr. Warner: You shouldn't clap, Davis; he's trying to get your job.

Hon. Mr. Grossman: What is critical is that the most important aspects of our overall economic strategy, the broadening and deepening of our economic and competitive base, are continuing.

Mr. Martel: You don't even recognize the problem.

Mr. Warner: Planning out unemployment.

Hon. Mr. Grossman: Dislocation and rationalization in industry is painful and causes much hardship. It is a process—

Mr. Martel: That's usually what McKeough says. It was a very calculated gamble to allow ourselves to be defeated in the House. That's McKeough.

Mr. Conway: Is that what made the mighty Darcy run?

Hon. Mr. Grossman: It is a process Canadians will have to face, simply by virtue of the degree to which we have become a non-competitive nation as a world trading partner.

[3:15]

Mr. Martel: Our Premier's visit to Japan was a failure.

Hon. Mr. Grossman: —and the efforts

made by the Ministry of Industry and Tourism were clear indications of this province's commitment to broadening its economic base through continued export activity and meaningful and responsible investment from other parts of Canada—

Mr. Sweeney: Before they only thought we were crazy. Now they know for sure.

Hon. Mr. Grossman: —and beyond, something the NDP decries every chance it gets.

Mr. Warner: You should open up a tourist agency.

Hon. Mr. Grossman: The unsolicited comments about the Canadian trading position which that evoked probably helped more Canadians realize—

An hon. member: Boy, you really know how to polish shoes, don't you, Larry?

Hon. Mr. Grossman: —how serious things had become than many other initiatives previously. The message, admittedly, has not got through to the third party yet.

Mr. Martel: No, I know.

Hon. Mr. Grossman: This effort, taken within the context of the leadership provided by the Premier in convincing the Prime Minister and the government of Canada of the obvious necessity of a federal-provincial co-operative effort on economic matters—

Mr. Warner: You couldn't lead seals down an iceberg.

Hon. Mr. Grossman: —represents singular advances in the economic well-being for Ontarians. It is the kind of leadership that Ontario has traditionally provided and which we must continue to provide as the industrial heartland of the country.

Mr. Deans: And from which we are suffering terribly at the moment.

Hon. Mr. Grossman: Mr. Speaker, we have talked much of the budget being discussed today.

Mr. Martel: There is no budget.

Mr. Sweeney: That's right. There isn't much of the budget being discussed here.

Hon. Mr. Grossman: We have noted the success of that budget. We have noted that to take the initiatives offered by the Liberal Party from time to time would lead us at once in a thousand directions and in no direction.

Mr. Kerrio: If we only took your word, it would be balanced by 1980.

Mr. Sweeney: That's only one more direction than you're going in already.

Hon. Mr. Grossman: We have noted that the party that likes to walk around the

province—the Liberal Party—walks around the province—

Mr. Conway: Unlike the Tories who crawl and grovel.

Mr. Sweeney: We talk to the people and find out what they really want.

Hon. Mr. Grossman: —saying "You can't afford another Davis government"—

Mr. Bradley: We don't have the planes to fly.

Mr. Sweeney: Our feet are on the ground, not up in the clouds.

Hon. Mr. Grossman: I take it back. You have to crawl before you walk, and Lord knows they're crawling. The party that likes to crawl around the province, talking about the size of the deficit—

Mr. Sweeney: You're getting pretty heavy now.

Mr. Bradley: Who flies around at the taxpayers' expense?

Hon. Mr. Grossman: —the party that likes to have its little pocket calculator, to tell everyone what it works out to per capita, per hour, per minute, per person—

Mr. Deans: Who paid for Lorne Henderson's Christmas cards?

Hon. Mr. Grossman: —stands up here and talks endlessly about the amount of money we should be putting back in—

Mr. Martel: All \$50,000 of it.

Hon. Mr. Grossman: —or taxpayers' money that we should be throwing out for whatever purposes strike them from time to time.

Mr. Sweeney: Like Edwardsburgh, and Minaki, and Pickering and Townsend.

An hon. member: Where did they find you, Larry?

Hon. Mr. Grossman: I, myself, was very interested to hear the suggestion that we ought to save upwards of \$500,000 by closing such essential services as taking a couple of hours a day off liquor stores. That was the high point of the Liberal Party's contribution to the problems the taxpayers of this province are faced with.

Mr. S. Smith: Larry, let's get out. Come on.

Hon. Mr. Grossman: Mr. Speaker, before my colleagues leave—

Mr. Swart: You're driving them away.

Hon. Mr. Grossman: —I must draw their attention—well, I sat here all day and it wasn't easy, even through some of the debates on the Municipal Elections Act.

Mr. Swart: I hope you learned something.

Hon. Mr. Grossman: There has been far too much heard today about what is alleged to be a lack of direction and a lack of initiative and a lack of goals coming from the government.

Mr. S. Smith: You have certainly driven the point.

Hon. Mr. Grossman: So, in conclusion, Mr. Speaker,—

[Applause]

Hon. Mr. Grossman: —I want to deliver a few hundred thousand more words.

In conclusion, I want to draw the attention of the members to a solid statement of the future in this province.

Mr. Bradley: There have been a lot of solid statements over there.

Hon. Mr. Grossman: And if they had been paying attention, they would already know this. It's called "A Charter for Ontario."

Mr. Martel: Oh, don't punish us with that. Two for one.

Hon. Mr. Grossman: As you go home and dig out your canned responses to both the Throne Speech and the budget—

Mr. Martel: Why don't you mail it out? This is cruel.

Mr. Deans: You're not going to read it, are you?

An hon. member: Who writes your speeches?

Hon. Mr. Grossman: —I want to tell you you have this period of time to be even more ingenuous.

Mr. S. Smith: It's excessive cruelty to the Premier to remind him of the charter. He doesn't deserve it.

Hon. Mr. Grossman: You can pull out the same responses you've been using for the past five years—

Mr. Roy: You should be in the mushroom business.

Mr. Bradley: Yours should go into a can.

Hon. Mr. Grossman: —or you can have a sneak preview by looking in fact at "A Charter for Ontario." I'm going to give you a few highlights so you'll have something to take away with you as a Christmas present.

Mr. S. Smith: We know. We are grateful for your patronizing position but don't you think it is embarrassing?

An hon. member: Please, bring back the member for Renfrew South (Mr. Yakabuski).

Hon. Mr. Grossman: Embarrassed? Far from it. Do we sound embarrassed on this

side? No, sir. On this side, compared to the lack of policies from over there, we're not embarrassed about any policy. Any policy puts us one up on the Liberal Party.

Mr. Martel: You don't have any. How can you be embarrassed by it?

Mr. Sweeney: Did Darwin Kealey write that one too?

Hon. Mr. Grossman: A commitment to a target of 100,000 new jobs each year for the next decade. Done.

Mr. Martel: Done. John Roberts would tick them all off.

Hon. Mr. Grossman: And we're 37,000 ahead after only 11 months. A commitment to a target of 900,000 starts over the next 10 years in Ontario.

Mr. Roy: Tell us how many trees you planted.

Mr. Peterson: How many have you got this year?

Hon. Mr. Grossman: Well, I'll tell you how many we've got. We're just a little bit behind target, and, you'll see, by the time you get up to read your canned response to the budget, we will have proven to be dead on target. I predict that now and you can call me wrong if that doesn't happen. We're almost right on target in housing starts.

Mr. Kerrio: You even lie about the part you're playing.

Hon. Mr. Grossman: A commitment to reduce the municipal tax burden on senior citizens. A commitment to reducing unnecessary waste in all social spending—

Mr. Roy: Give or take \$200 million or \$300 million.

Hon. Mr. Grossman: —to ensure that the truly needy, and those who serve them, get adequate and fair support.

Mr. S. Smith: So will the property taxes.

Hon. Mr. Grossman: A commitment to continue the battle against inflation while providing the private sector—

Mr. Kerrio: What about that "in conclusion" part?

Mr. Martel: Throw it to the ground.

Mr. Hall: Back to the "in conclusion" part.

Mr. Warner: You're the ones who caused the problem.

Mr. Peterson: They are all in Edwardsburgh.

Hon. Mr. Grossman: —you remember them?—with opportunity and example for job creation.

A commitment to replacing at least two trees for every one harvested.

Mr. Sweeney: Battle of the Bulge.

Mr. Conway: How are the trees coming, Larry?

Mr. S. Smith: This year or next year while the property taxes go up.

Hon. Mr. Grossman: A commitment to increasing the sale of Ontario goods and services outside of Canada by five per cent a year.

Mr. Swart: Great progress.

Mr. S. Smith: Sit down before you embarrass yourself.

Hon. Mr. Grossman: A commitment to containing the size and expense of government in Ontario, resulting in a balanced budget by 1981.

And you know, when we talk about a commitment to containing the size and expense of government in Ontario—I have to tell the leader of the Liberal Party, I read his private member's resolution, the sunset one, and he may feel the need for externally imposed sunset provisions but on this side of the House we don't have to have it externally imposed—

Mr. S. Smith: Let's call a halt to this.

Mr. Sweeney: That's because he can't depend on you to do it.

Hon. Mr. Grossman: —the commitment says that we are going to work towards that goal.

Mr. Kerrio: You can't even handle an "in conclusion."

Mr. S. Smith: Put a sunset in your speech.

Hon. Mr. Grossman: A commitment to containing the size and expense of government, and we conduct that review without private members' resolutions, without externally imposed sunset provisions. That review goes on daily in each ministry in order that we can meet that commitment.

Mr. Sweeney: Your speech is a prime example of why we need a sunset clause.

Mr. Martel: Don't you hire Betty Kennedy any more?

Hon. Mr. Grossman: No unnecessary rules, regulations and legislation on this side of this House. We have self-discipline over here. No thanks, you don't have to externally impose it.

Interjections.

Hon. Mr. Grossman: A commitment to maintain the highest quality of health and hospital services.

Interjections.

Mr. Speaker: Order. Order! I hope when you leave this building within the next hour that you will all go home and tell your constituents and, particularly, your children, how you've conducted yourselves here in the last hour.

Mr. Kerrio: That won't embarrass me after that speech.

Hon. Mr. Grossman: A commitment to preserve an educational system. Mr. Speaker, after that note of admonition I should quit so that they'll remember that when they go home.

Mr. Makarchuk: That is the only sensible thing you have said.

Hon. Mr. Grossman: Hopefully, they will remember it when they come back, although I somewhat doubt that.

Before concluding, for the third time, my remarks on the budget speech, I want to take this opportunity to acknowledge your efforts, Mr. Speaker, in this first full complete session as Speaker. You've done an admirable job.

Mr. Peterson: He just asked you to sit down.

Hon. Mr. Grossman: You've bagged two socialists so far. You fought the member for Grey-Bruce (Mr. Sargent) to at least a draw and, indeed, you tried to help me correct Claire Hoy's drinking habit, albeit yours was related to coffee, and mine was related to beer in the baseball park. But your contribution to this House, notwithstanding the last few minutes, has been marked and important. I would hope that this House would continue to reflect your guidance, control and leadership in becoming an even more relevant—

Mr. Peterson: Too bad he didn't prevent you from speaking.

Hon. Mr. Grossman: —more cautious, more deliberate chamber than it has developed into over the past few months.

Mr. S. Smith: We would have even preferred the Premier to wind up.

Hon. Mr. Grossman: It is indeed a credit to you, Mr. Speaker. I know that you will relish your job as Speaker, especially in the next few minutes, when you find you don't have to be one of that small cadre of persons sitting in this assembly voting to support what is surely a futile, repetitive, ordinary, and perfunctory effort, by supporting that amendment moved today in his last cathartic act by the member for Scarborough West, the leader of the NDP.

Mr. Speaker: Order, will all members take their seats please.

Hon. Mr. McKeough moved that this House

approves in general the budgetary policy of the government.

Mr. Lewis moved that all of the words after "that" be struck out and the following substituted therefor.

"Whereas unemployment remains acute in most regions of Ontario; and

whereas a calamitous pattern of layoffs is in process; and

whereas the government has shown neither capacity nor willingness to cope with either persistent unemployment or the realities of accelerating layoffs; and

whereas every useful, reasonable and creative suggestion to repair the economy put forth by the opposition parties has been summarily dismissed,

therefore, this government no longer has the confidence of this House.

The House divided on the amendment by Mr. Lewis, which was negatived on the following vote:

AYES	NAYS
Bounsall	Baetz
Charlton	Belanger
Davidson	Bennett
Deans	Bernier
Duksza	Birch
Foulds	Bolan
Germa	Bradley
Gigantes	Breithaupt
Grande	Conway
Laughren	Cunningham
Lawlor	Cureatz
Lewis	Davis
Makarchuk	Elgie
Martel	Epp
McClellan	Gaunt
Philip	Gregory
Swart	Grossman
Warner	Hall
Young	Havrot
Ziemba	Hennessy
	Hodgson
	Johnson
	Jones
	Kennedy
	Kerrio
	Lane
	Leluk
	MacBeth
	Maeck
	McCaffrey
	McCague
	McGuigan
	McKeough
	McNeil
	Newman, W.
	Newman, B.
	Norton

NAYS

Parrott
Peterson
Reed
Rhodes
Riddell
Rowe
Roy
Scrivener
Smith, S.
Smith, G. E.
Snow
Stephenson
Sweeney
Taylor, J. A.
Taylor, G.
Turner
Villeneuve
Welch
Williams
Worton

Ayes 20; nays 57.

The House divided on the original motion by Hon. Mr. McKeough, which was approved on the same vote reversed.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, with the permission of the House, I would like to table the answers to questions 53, 54, 55, 58 to 64, and 65 standing on the notice paper. (See appendix A, page 3144)

Hon. Mr. Davis: We never stop working, I have to tell you. We were up till midnight last night getting them ready.

LEADER OF THE OPPOSITION

Mr. S. Smith: Mr. Speaker, I would like to take a moment on a point of something or other—point of interruption, I guess—to say how grateful I am to members of the House for making my first term as Leader of the Opposition so enjoyable.

To show my gratitude, and being a person of the mental health profession and so on, I have here for the Premier a set of worry beads, which are an ancient Greek method of coping with nervousness and agitation.

Mr. Lewis: They are excellent. They are excellent.

Hon. Mr. Grossman: Keep them, you need them all.

Mr. S. Smith: As he considers shuffling his cabinet over the holidays, I hope he will derive satisfaction.

Mr. Lewis: I have used them for years.

Mr. S. Smith: At the same time I have a set for the outgoing leader of the New Democratic Party, but only on condition that,

since he's really getting rid of a whole lot of worries, he will hand them over to his successor, whoever that mildly unfortunate worthy may be.

So I'll send this to the Premier and this to the leader of the New Democratic Party and happy holidays to both of them.

SUPPLY ACT

The following bill was given first, second and third readings on motion by Hon. Mr. McKeough.

Bill 130, An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending March 31, 1978.

[3.45]

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took her seat upon the throne.

ROYAL ASSENT

Hon. P. M. McGibbon (Lieutenant Governor): Pray be seated.

Mr. Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Clerk Assistant: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 43, An Act to revise the Audit Act.

Bill 98, An Act to revise the Municipal Elections Act, 1972.

Bill 102, An Act to amend the Farm Products Marketing Act.

Bill 103, An Act to amend the Milk Act.

Bill 107, An Act to amend the Highway Traffic Act.

Bill 112, An Act to amend the Highway Traffic Act.

Bill 115, An Act to amend the Condominium Act.

Bill 120, An Act to amend the Municipality of Metropolitan Toronto Act.

Bill 122, An Act to amend the Legislative Assembly Act.

Bill 123, An Act to amend the Legislative Assembly Retirement Allowance Act, 1973.

Bill Pr4, An Act respecting the County of Peterborough.

Bill Pr9, An Act respecting the City of Sault Ste. Marie.

Bill Pr10, An Act respecting the City of London.

Bill Pr11, An Act respecting the City of Windsor.

Bill Pr18, An Act respecting the City of Toronto.

Bill Pr20, An Act respecting the Township of Georgina.

Bill Pr27, An Act respecting the City of Windsor.

Bill Pr29, An Act respecting the Township of East Zorra-Tavistock.

Bill Pr36, An Act respecting the City of Thunder Bay.

Clerk of the House: In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

Mr. Speaker: May it please Your Honour, we, Her Majesty's most dutiful and faithful subjects of the Legislative Assembly of the province of Ontario in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance, a bill entitled an Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending March 31, 1978.

Clerk of the House: The Honourable the Lieutenant Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

PROROGATION SPEECH

Hon. Mrs. McGibbon: Mr. Speaker and members of the Legislative Assembly of Ontario: I am pleased to address you at the close of this first session of the 31st Parliament of Ontario. As the Silver Jubilee year of our Sovereign also draws to a close we take pleasure in knowing that thousands of Ontarians were able to participate in according a warm welcome to Her Majesty and Prince Philip during her special commemorative royal visit to Ottawa in October.

During her visit, Her Majesty accepted a collection of contemporary Ontario art as a gift from the people of the province. Following a provincial tour the art works will remain in the collection of various public art galleries for the benefit of present and future generations of Ontarians.

The current state of Canadian Confederation remains a major preoccupation of government and thoughtful citizens across Canada. On the initiative of the Ontario government a three-day conference on Canadian destiny was held at York University in Toronto in June to promote constructive dialogue among

concerned citizens from all parts of the country.

It bears emphasizing that it is up to Ontarians, as to all Canadians outside Quebec, to become actively involved now in meeting this challenge which faces us all. As is already apparent it is a challenge whose implications transcend the realm of mere political ideology. In this vein, it is worth noting that hon. members from all sides of this House took the opportunity afforded by the recent Ontario public hearings of the federal Task Force on Canadian Unity to appear before this nation-wide forum.

The people of Ontario, as elsewhere in Canada, continue to be plagued by serious problems of unemployment and inflation throughout the uncertain economic climate of another year. It remains the view of the Ontario government that a healthier, long-term solution must be sought, and continued restraint on government expenditures combined with stronger, more productive private sector initiatives.

Recently announced layoffs by the two major nickel mining companies in northern Ontario are of grave concern to the government. Unprecedented action in the appointment of a select committee of the Legislature should ensure joint, in-depth examination and consultation by legislators and the mining interests to produce useful, workable alternatives from both immediate and longer-term perspectives.

At the same time, the province is facing the need to reverse a decline in overall mining activity in the north by augmenting existing mineral developments and exploration activities with a \$2.5-million program to be funded by the Ministry of Northern Affairs over three years.

Legislation has been passed to establish province-wide single-trade bargaining in the industrial, commercial and institutional sectors of the construction industry. This reform, achieved in full consultation and co-operation with industry and labour, is seen as a major aid in simplifying and streamlining negotiations in this crucial segment of the economy.

In the interests of the consumer, legislation has been passed to require tax discounts in Ontario to pay their clients at least 95 per cent of any anticipated income tax refund. A provincial consumer information centre will open early in the new year to help consumers across Ontario by making information more accessible to them. The centre will offer facilities and assistance for students, consumer educators and business. It is the government's intention to replace the present rent review program with comprehensive

tenant protection provisions when the program ends in December 1978.

In the meantime, in keeping with federal wage guidelines, the new maximum rent increases have been set at six per cent. Legislation has been enacted to give municipalities power to regulate the removal of good topsoil from agricultural land. An amendment to the Farm Products Payments Act will encourage the establishment of funds by farm commodity groups to protect producers in cases of bankruptcy in the agricultural community.

Similarly, legislation passed in June will provide a means of mobilizing new sources of risk capital for small businesses. Complementary measures introduced in the fall through amendments to the Corporations Tax Act provide for special tax incentives for investors in venture investment corporations.

The province's social services have been expanded by a new home support program for the elderly and the handicapped to enable them to maintain their own homes. Allowances for family benefits and general welfare assistance recipients were increased by eight per cent on July 1. On the same date responsibility for administration of all services for children with special needs was transferred to a single ministry. A green paper is now before you containing recommendations for revisions to legislation pertaining to the care of children for public consultation prior to enactment next year.

Services in French for French-speaking Ontarians have seen continuing steady improvement over the past several years, and these were expanded in two significant areas of activity during this session. An Act to require construction of a French-language secondary school by the Essex County Board of Education received support from all sides of the House. As well, expanded French-language court services in five northern communities this fall now makes such services available in areas inhabited by some 66 per cent of our French-only population.

Greater co-ordination of overall services to the north is being provided by the Ministry of Northern Affairs which received the legislative sanction of the House early in the session. Its mandate to respond to northern needs was effectively tested even before then when the ministry organization was called on to marshal speedy assistance for the town of Cobalt following the disastrous fire in May.

In a similar commitment to meet special needs in eastern Ontario, an agreement has been signed by the province and the federal Department of Regional Economic Expansion covering a number of projects to increase

opportunities for development in the upper Ottawa Valley region.

Electrical energy is of paramount importance to Ontario's energy future. Aspects of Ontario Hydro's role in providing electrical power are being reviewed by a select committee of the Legislature. This review includes implementation of recommendations made in 1976 for bulk power rate increases. In addition, new terms have been assigned for select committee study into Ontario's nuclear commitment and construction costs of the Bruce nuclear power development heavy water plants.

Ontario's transition to metric units for highway distances and speed limits has been effected. The final report of the select committee on highway safety has been tabled in the House, as has been the report of the royal commission on Metropolitan Toronto. Both reports are being reviewed in preparation for government action relating to the recommendations made.

The Municipal Elections Act has been extensively revised. Among the changes, municipal polling days will in the future be the second Monday in November.

A new Audit Act has been passed, strengthening the role and the office of the Provincial Auditor.

A significant new policy initiative has been adopted by the Ministry of Correctional Services for a community work order program whereby petty offenders who are not considered a threat to society will work on projects and carry out needed services in the community. Provision to improve the administration of the courts has been enacted.

In the summer, the government set in motion the long-awaited inquiry into the northern environment as a royal commission under the Public Inquiries Act. The terms of the

commission, developed in consultation with the native people, lay the ground for long-term social and economic planning for the area north of the 50th parallel and for the future of its residents. Public hearings of the commission on freedom of information and individual privacy have been in progress for the past two months at meetings in communities throughout the province.

At the same time, the government has seen fit to establish a judicial inquiry under the Public Inquiries Act in response to serious concerns about the confidentiality of medical records. A review will be made of all legislation administered by the Minister of Health as well as other pertinent legislation as part of this assignment which is due to get under way early in the new year.

Honourable members, it is evident from this review of your activities that the work load of this session has been extensive. It is fair to add that you have not been sparing of your efforts in meeting the demand. In all, some 60 government bills have been passed by the House and have received royal assent during this relatively short sitting.

In declaring the session prorogued, may I take this opportunity to express sincere greetings and every wish for a pleasant and safe holiday season to you all.

In our Sovereign's name, I thank you. God bless the Queen and Canada.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

Hon. Mr. Welch: Mr. Speaker, and members of the Legislative Assembly, it is the will and pleasure of the Honourable the Lieutenant Governor that this Legislative Assembly be prorogued and this Legislative Assembly is accordingly prorogued.

The House prorogued at 4:01 p.m.

ERRATA

The following have already appeared in previous daily issues of Hansard but they are presented here in bulk so that subscribers can ensure that the corrections have been made.

No.	Page	Col.	Line	Should read:
12	458	2	34	House in committee on Bill 15, An Act to amend The Corporations Tax Act.
12	461	2	32	Lines 32 and 33 should be transposed to become lines 41 and 42.
20	778	1	51	Hon. W. Z. Estey (Administrator of the
36	1351	2	50	tions are demanded of them? What screening
61	2276	2	45	five being 500 kilovolts and two being 230

APPENDIX A (See page 3103)

53. Ms. Bryden—Inquiry of the ministry: Will the Premier table the total cost of the commission of inquiry on violence in the communications industry headed by Judy LaMarsh showing the amounts spent for: (a) commissioners; (b) staff; (c) travel, meals, hotel accommodation and meeting halls; (d) research studies and surveys; (e) publication of reports and studies; (f) advertising; (g) other? [Tabled November 29, 1977.]

Answer by the Attorney General (Mr. McMurtry):

Vote 1301, law officer of the Crown; item 5, royal commissions; total cost of the commission of inquiry on violence in the communications industry:

Details of costs recorded (for the fiscal years 1975-76, 1976-77 and 1977-78 to date of November 30, 1977):

(a) Commissioners' fees:	
J. V. LaMarsh	\$ 93,485
S. Young	38,194
	<u>\$131,679</u>

(b) Staff salaries and fees	
Fees	
—S. H. Kierans	\$ 85,203
—C. K. Marchant	80,533
—J. M. Langford	17,606
	<u>\$183,342</u>

Salaries	
—A Cameron—Administrator	\$ 73,176
—Secretarial and clerical	265,583
—Summer students	4,525
	<u>\$343,284</u>
	<u>\$526,626</u>

(c) Travel		Meals &	
Commissioners: Travel	Accom.	Total	
J. V. LaMarsh	\$11,611	\$8,020	\$19,631
S. Young	2,943	1,872	4,815
Judge L. A. Beaulieu	8,073	8,389	16,462
	<u>\$22,627</u>	<u>18,281</u>	<u>\$40,908</u>
Staff:		Meals &	
	Travel	Accom.	Total
S. H. Kierans	\$4,911	\$13,523	\$18,434
C. K. Marchant	7,522	8,446	15,968
J. M. Langford	2,140	399	2,539
Others	12,590	12,564	25,154
	<u>\$27,163</u>	<u>\$34,932</u>	<u>\$62,095</u>

Meeting hall rentals	\$ 6,452
	<u>\$109,455</u>

(d) Research studies and surveys	
	<u>\$422,990</u>

(e) Publication of reports and studies	
—Versatel Corporate Services Ltd.	\$ 41,828
—Ministry of Government Services	243,813
	<u>\$285,641</u>

(f) Advertising	
—Cockfield Brown & Co. Ltd.	\$ 54,088
—Foster Advertising Co. Ltd.	148,417
—Toronto Star Ltd.	595
	<u>\$ 203,100</u>

(g) Other	
Total Expenditures recorded	\$ 525,763
	<u>\$2,205,254</u>

54. Ms. Bryden—Inquiry of the ministry:

1. What was the total cost to the government of the following, and to which vote were the items charged: (a) the Destiny Canada Destinee Conference—June 1977; (b) Province of Ontario silver jubilee medallions; (c) the government's lawsuit instituted in 1971 against the Dow Chemical Company? 2. How many silver jubilee medallions were purchased by the Ontario government? [Tabled November 29, 1977.]

Answer by the Treasurer and Minister of Economics and Intergovernment Affairs (Mr. McKeough):

1(a) The cost to the government of the Destiny Canada Destinee Conference—June 1977 was \$303,288. Charges were made against vote 1104, item 1.

Answer by the Attorney General:

1(c) Dow Chemical—Analysis of expenditure by fiscal year:

Fiscal Yr.	Amount	Vote & item
1970-71	25,534	902-1
1971-72	28,781	902-3
1972-73	26,611	1003-3
1973-74	13,702	1204-1
1974-75	9,220	1204-1
1975-76	9,113	1304-2
1976-77	2,506	1304-2
1977-78	1,771	1304-2

Total \$117,238

Answer by the Minister of Government Services (Mr. McCague):

1(b) The total cost to the government for the province of Ontario silver jubilee medallions was \$196,750.11. This expenditure was charged to vote 804, item 1, protocol services, Ministry of Government Services.

2. The Ontario government purchased 2,194,000 silver jubilee medallions.

55. **Mr. Cooke**—Inquiry of the ministry: Do Children's Aid Societies obtain the permission of the Minister of Community and Social Services or any other minister of the Crown before laying charges against children in their care? How many children in the care of Children's Aid Societies in Ontario have been charged by workers of the societies since January 1, 1977, for purposes of "treatment"? [Tabled December 1, 1977.]

Answer by the Minister of Community and Social Services (Mr. Norton):

To the present time, the Children's Aid Societies have not been required to seek formal approval for the laying of charges for the purposes of "treatment" from the Minister of Community and Social Services or from any other minister of the Crown.

Until very recently, when Mr. Cooke cited a specific example of this practice during the debates on the ministry estimates, it has been our experience, based on the information available to us, that the laying of charges against children for the purposes of "treatment" is not a common practice among the Children's Aid Societies and, indeed, occurs extremely infrequently. Any widespread use of this mechanism either by the Children's Aid Societies in general or by a specific Children's Aid Society would, we expect, have been brought to the minister's attention.

The children's services division of the ministry is currently reviewing the practices of all children's programs in this respect in order to determine the need to develop specific guidelines. As a part of this review, we have in preparation a survey designed to determine both the nature and the extent of the use of this practice among Children's Aid Societies. That survey will be designed to cover the whole of the calendar year 1977 and the results should be available by the end of February 1978.

57. **Mr. Reed**—Inquiry of the ministry: Would the Minister of Government Services provide the following information with respect to expenditures for the purchase of land within the parkway belt planning area: 1. How much money has been spent by the government or any government related agency for the purpose of land acquisition for any purpose within the parkway belt planning area from June 4, 1973, to the present time? 2. How much money was expended directly by the Ministry of Government Services and appears in the estimates of that ministry? 3. How much money was expended on behalf of other government ministries and appears in

the estimates of those ministries? 4. Has the Ministry of Government Services acquired land within the parkway belt planning area at the request of any government-related agency? For each agency, would the minister indicate the purpose for the acquisition and details of the financial arrangements between the agency and the Ministry of Government Services?

Answer by the Minister of Government Services (Mr. McCague):

1. \$193,200,000 have been spent by the government or government-related agencies for the purpose of land acquisition for any purpose within the parkway belt planning area from June 4, 1973, to the present time.

2. \$102,400,000 have been expended directly by the Ministry of Government Services and appeared in the estimates of this ministry.

3. \$23,000,000 have been expended on behalf of other government ministries and appeared in the estimates of those ministries.

4. The Ministry of Government Services has acquired land within the parkway belt planning area at the request of Ontario Hydro involving an expenditure of \$67,800,000.

The purchase of land within the parkway belt planning area for Ontario Hydro was for Hydro transmission lines.

The financial arrangements between Ontario Hydro and the Ministry of Government Services are based on agreement in principle that Ontario Hydro would initially pay for the total acquisition of lands whether required for their purposes in whole or in part. Once the specific parkway belt boundaries are finalized, following the parkway belt hearing process, a calculation of costs related to Ontario Hydro interests will be made. Ontario Hydro will then be reimbursed by the Ministry of Government Services for the cost of that portion of the lands which are surplus to Ontario Hydro requirements, including appropriate interest. Ontario Hydro and the Ministry of Government Services are now in the process of making these calculations.

Note: The above-mentioned dollar figures represent direct costs and do not reflect overhead costs.

58. **Mrs. Campbell**—Inquiry of the ministry: Will the Minister of Community and Social Services indicate the current average length of stay of children presently in the Browndale residential program as well as the average length of involvement with Browndale's non-residential programs? [Tabled December 2, 1977.]

59. **Mrs. Campbell**—Inquiry of the ministry: Will the Minister of Community and

Social Services table all ministry reports concerning program aspects as distinct from financial aspects of the Browndale program (both residential and non-residential) over the last two years including all inspection reports removing from those documents all names if deemed appropriate. [Tabled December 2, 1977.]

60. Mrs. Campbell—Inquiry of the ministry: Will the Ministry of Community and Social Services ascertain the staff turnover rate in the Browndale program and each of its regions for the last two years. [Tabled December 2, 1977.]

61. Mrs. Campbell—Inquiry of the ministry: Will the Minister of Community and Social Services determine the average length of employment and qualifications of current front line Browndale staff i.e. 'house staff'. [Tabled December 2, 1977.]

62. Mrs. Campbell—Inquiry of the ministry: Will the Minister of Community and Social Services table the current Browndale per diem i.e. 1977 as well as a breakdown of its component parts and an explanation as to how it was arrived at? [Tabled December 2, 1977.]

63. Mrs. Campbell—Inquiry of the ministry: Will the Minister of Community and Social Services indicate the present licensed capacity of the Browndale residential program and the number of children currently in care as well as the number expected to be in care for the remainder of this year and the first three months of 1978? [Tabled December 2, 1977.]

64. Mrs. Campbell—Inquiry of the ministry: Will the Minister of Community and Social Services indicate the exact dates on which ministry officials inspected or visited each Browndale region or facility during the last two years? [Tabled December 2, 1977.]

Answer by the Minister of Community and Social Services (Mr. Norton):

58(1) Residential programs as at October 31, 1977: total number of children, 279; total number of years, 399.75; average length of stay per child, 1.43 years.

This calculation of 1.43 years does not mean there are not some severely disturbed or damaged youngsters who require much more time in treatment than this (just as some may require less) but considering the total residential population the average length of stay in Browndale (Ontario) has been gradually reduced over the past five years.

It used to be almost axiomatic in all programs, not too many years ago, that any severely disturbed child requiring residential

care would need at least two years in treatment before he or she could be returned to their families. With the enactment of the Children's Mental Health Centres Act in 1971, however, and the resulting ability to admit more children directly from their own families (rather than almost exclusively wards of Children's Aid Societies) a program such as Browndale has been able to treat a greater proportion of disturbed children earlier in the history of their disturbance and thereby reduce the period of time needed in residential care.

Also, Browndale's greatly increased work with families in recent years is certainly getting encouraging results. It should be noted that the figure of 1.43 is not out of line with many other residential treatment programs.

58(2) Non-residential programs as at November 30, 1977:

- (a) Satellite program
 - Child days in care 12,053
 - Number of families 32
 - Average length of stay 376.6 days
- (b) Satellite after-care
 - Child days in care 4,696
 - Number of families 12
 - Average length of involvement 391.3 days
- (c) Madison Avenue school
 - Average length of stay 2 years
- (d) Browndale re-entry
 - Length of involvement
 - unpredictable, depends on the self-initiated use of the service by older adolescents in need of continuing support in the community.
 - (Three months to three years).

The determining factor for length of involvement of children and families in non-residential programs (such as Browndale's service to multi-problem families known as Satellite and their Madison Avenue school for children with serious learning and behavioural problems) is invariably the continuing needs of the individual child or family and their "readiness" or ability for independent functioning.

In the special education program, which serves youngsters with specific learning disabilities, autism or severe behaviour problems, some children who have not been able to make it at all in the regular school system may require one to three years intervention

before they are able to return to community schooling. Each child's progress is regularly reviewed by Browndale and board of education professional personnel and decisions to continue or terminate involvement are made accordingly.

In Browndale re-entry, which is geared to the needs of a select group of severely troubled older adolescents and is based upon a community support system concept, the length of involvement is impossible to predict, because this may be the only anchor point in the community for some young people. In spite of some of the positive and innovative features of this service it is a very difficult program for any organization to monitor and it is currently under review by the children's services division. In the last analysis Browndale re-entry's future will probably be determined by the most pressing needs of the four-phase system for severely disturbed adolescents in the Metro Toronto region, of which this service is an integral part.

59. I require additional time to consider important issues of confidentiality prior to any decision on whether or not to table the requested reports. However, I am prepared at this time to provide the following information:

From March 1, 1975 to November 30, 1977, ministry consultants conducted 42 separate visits to Browndale programs throughout the province as part of their routine responsibilities.

These 42 visits covered a total of 67 days of on-site inspections and generated 42 reports or program evaluations.

From January 29 to April 5, 1976, one consultant was assigned full-time to the Peterborough-Haliburton region during a period of unusual stress and filed 15 progress reports with the deputy minister and with Browndale.

Of the 42 reports currently on file within the ministry four are regarded as internal reports.

In addition to the 42 written reports there were also several unscheduled visits and scores of meetings, discussions and communications internally and between ministry consultants and Browndale during the period in question. Licensing decisions for particular programs have always been made on the basis of information and impressions gained from all available sources.

Note: For a detailed list of the dates of visits, and all reports on file see appendix 3. A summary outline of a consultant's responsibilities in conducting program reviews is included in appendix 4. All branch consultants

are senior mental health professionals (MSWs or PhDs) who have had prior experience working in the children's mental health field.

60. In the time at our disposal it has been impossible to obtain staff turnover rates for the past two years but Browndale has provided the following for the period January 1, 1977, to November 30, 1977.

Browndale staff turnover January 1 to November 30, 1977	
Barrie—Allandale and Bayfield	57%
Newmarket	28%
Haliburton	62%
Peterborough	77%
Midland	40%
Huntsville	51%
North Bay	39%
Thunder Bay	74%
Toronto Region	48%
<hr/>	
Overall Browndale (Ontario) staff turnover	53%

These percentages deserve some interpretation:

(1) In the first place it should be noted that the stress factor for frontline people in the 24-hour care and treatment of severely disturbed children is unbelievably high. Therefore Browndale (Ontario), in recognition of this fact never asks its frontline staff to serve more than two years in this capacity. Browndale (Ontario) has found, through experience, that after two years in the very demanding position of frontline worker, staff tend to become less involved and more distant from the children than they were in their first year and consequently less effective as basic care staff. It is, however, possible to capitalize on the experience staff have had during two years as frontline workers in a house to move them into other program areas with different responsibilities, such as a Browndale school, and this is often done. However, though such people are actually still working in Browndale (Ontario), moves such as the above are reflected as losses in the frontline staff turnover rate. In any one year then, by normal course of events as outlined above, one could anticipate up to a 50 per cent turnover in frontline workers. Such a turnover rate is not out of line with that experienced in other residential treatment programs.

(2) Browndale (Ontario) requires a three-month probationary period before finalizing its agreement to hire a worker. During this three-month trial the worker's potential as a therapeutic person to care for children is monitored by senior staff and predictably a certain number of people fail to be accepted by Browndale for employment or themselves

decide during the probation that the work is too stressful. This results in a fairly high turnover during the probation period which skews the overall statistics.

(3) With reference to the percentages for Peterborough and Haliburton it should be noted that they were undergoing a complete rebuilding process during the period in question and consequently the staff turnover rate is much higher than one would normally expect or wish to see.

(4) The high percentage turnover in Thunder Bay is directly related to the difficulty of attracting child care personnel in sufficient numbers in the north. But in spite of these difficulties Browndale has managed to maintain a successful program in Thunder Bay and also launch an innovative native service, though this has required a heavy investment of senior resource team personnel.

61. As at November 30, 1977:

(1) Total number of months of employment for employees in househead, child care worker and night relief staff classifications			4,500
Number of employees in the above classifications			312
Average length of employment			14.5 months

(2) Qualifications:

(a) **Househead**—Has BA or equivalent in experience and/or training. Further ongoing training is provided by the Browndale Education centre to ensure incumbents in this position are capable of the organization and operation of a treatment house.

In addition each region has senior child care worker resource people who provide continuous supervision and support for househeads and professional support as indicated in the following table. These mental health professionals are specifically involved in treatment planning and review for all children in their region while the regional nurse provides ongoing medical supervision.

(b) **Child care worker**—Minimum of grade 12 though many frontline child care workers are at the BA level. In-house training is provided in family model techniques and child care through the Browndale education centre.

All frontline staff work under the supervision of househeads and senior child care resource people.

(c) **Night relief staff**—Formal education sufficient to effect literacy, preference is given to older women with experience raising their own children.

Night relief staff work under the supervision of househeads.

PROFESSIONAL RESOURCE BANK, BROWNDALÉ (ONTARIO)

Region	Social Work	Psychiatry	Psychology	Nursing
Barrie	D. Simmons, MSW, -full-time	Dr. Fischer -one day/week	C. McMaster, PhD -full-time R. Morris, MA and P. Hurst, MA -one day/week	S. Bertram, RN -full-time
Haliburton	Ben Singh, MSW -full-time	Dr. Hull -bi-weekly	Steve Barker, MA -one day/week	Norma Williamson, RN -full-time
Huntsville	Glen Newby, MSW -full-time	Dr. McTavish -bi-weekly	John Gyra, MA -one day/week	Diana McCormick, RN -full-time
Midland	Ron Leis, MSW -full-time	Dr. McTavish -bi-weekly	Barry Cook, MA -one day/week	Lorna Gillfillan, RN -full-time
North Bay	J. Feliceo, MSW -full-time	Dr. McTavish -bi-weekly	Roger Lemay -one day/week	Gloria Tiernay, RN -full-time
Newmarket	M. Wallace, MSW -full-time	Dr. Patterson -one day week	M. Weaver, PhD J. Munn, PhD -one day/week	Beverley MacDonald, RN -full-time
Peterborough	S. Bayliss, MSW -full-time	Dr. Wynd -bi-weekly	D. Kontos, MA -one day/week	P. Hackwell, RN -full-time
Thunder Bay	D. Henry, MSW -full-time	Dr. McTavish -once month Dr. Santher (Lakehead Psych.) as needed	A. Young, PhD -full time	Sally McBain, RN -full-time
Toronto re-entry	J. Johnson, MSW -full-time	Dr. H. Freedman -½ day/week	O. Weinger -on request	None
Toronto satellite	F. Owen, MSW -full-time		A. Rubenstein, PhD -one third time	None

Note: MA psychological consultants are all under direct supervision of Otto Weining, PhD.

62. The present year's per diem was arrived at earlier this year after negotiations between Browndale and the Ministry of Health. I have been advised by the Attorney General that this question should not be answered because the issue is currently sub judice.

63. As of December 12, 1977, the total number of licensed beds in Browndale programs throughout the province is 302 but the ministry funding is limited to a maximum of 280 on a monthly average for the period January 1, 1977 to March 31, 1978.

The reason for ministry approval of 22 beds beyond the maximum number eligible for funding is to allow flexibility across the province and within individual houses so as to facilitate appropriate grouping of children who are severely disturbed or seriously dangerous upon admission. For example, if a child is admitted who is a chronic fire setter or is involved in aberrant sexual behaviour it is unwise to put him in a house that already has some such youngsters. Therefore the availability of licensed beds in some other house has to be assured. At no time, however, will the ministry fund more than 280 children on a monthly average.

The anticipated number of children in care across the province for the balance of 1977 and for the first three months of 1978 is 280.

64. See answer to question 59.

APPENDIX 1

Average length of involvement as of
November 30, 1977—Browndale (Ontario)
satellite program (family names omitted)

Child/family treatment commenced	Total days in care
February 1, 1976	668
May 19, 1977	196
September 14, 1977	78
May 1, 1974	1,309
May 25, 1977	190
August 19, 1977	104
July 4, 1977	150
November 7, 1977	24
November 15, 1977	16
December 1, 1976	730
August 2, 1977	121
November 21, 1977	10
May 1, 1977	214

October 18, 1977	44
August 8, 1977	115
September 21, 1977	71
August 5, 1977	118
October 1, 1974	1,156
May 1, 1977	214
February 1, 1977	303
December 1, 1976	730
February 1, 1977	303
April 1, 1977	244
May 18, 1977	197
January 1, 1974	1,429
July 12, 1977	142
September 21, 1977	71
April 1, 1974	1,339
October 1, 1977	61
April 1, 1977	244
July 1, 1977	153
May 1, 1974	1,309
Total	12,053

12,053 total days in care divided by 32 families = 376.6 days average length of involvement for families presently in the satellite program.

APPENDIX 2

Average length of involvement as of
November 30, 1977—Browndale (Ontario)
after-care program (family names omitted)

Child/family admitted	Total days in care
June 18, 1977	166
May 1, 1977	214
June 16, 1977	168
March 1, 1977	275
July 7, 1976	512
August 1, 1977	122
April 18, 1977	227
August 1, 1976	487
November 1, 1976	395
October 1, 1974	1,156
June 1, 1977	183
October 1, 1975	791
Total	4,696

4,696 total days in care divided by 12 families = 391.3 days average length of involvement for families presently in after-care program.

APPENDIX 3
Reports on Browndale (Ontario) programs, visits by consultants—1975-1977

Region	Date of visit	Reports
Barrie	Oct. 22, 23, 24, 1975	Report on file—Yes
	Oct. 18, 1977	" " " "
Haliburton	Aug. 24-26, 1975	" " " "
	July 12-13, 1977	" " " "
	Oct. 3, 4, 5, 1977	" " " "
Huntsville	June 9, 1977	" " " "
Midland	Apr. 21, 22, 1975	" " " "
	July 29, 1975	" " " "
	Oct. 8, 9, 1975	" " " "
	May 3, 4, 1976	" " " "
	July 19, 1976	" " " "
	May 25, 26, 27, 1977	" " " "
Newmarket	March 11, 1975	" " " "
	April 22, 1976	" " " "
	Apr. 27, 28, 29, 1977	" " " "
North Bay	June 10, 1977	" " " "
Peterborough	Aug. 27, 1975	" " " "
	(Jan. 29, 1976 to	
	Apr. 4, 1976)	15 Reports
	June 29-30, 1977	Report on file—Yes
Re-entry (Toronto)	Feb. 10, 1976	" " " "
	May 20, 1977	" " " "
	Aug. 3, 4, 10, 1977	" " " "
Satellite (Toronto)	Oct. 31, 1977	" " " "
	Nov. 7, 17, 1977	" " " "
School (Madison Ave.)	Sept. 11, 1975	" " " "
	Apr. 7, 1977	" " " "
Thunder Bay	Nov. 26, 27, 28, 1975	" " " "
	June 15, 16, 17, 1977	" " " "

Summary: 11 service components; 42 reports last two years

Please note unscheduled visits occur, in addition to the above formal visits, and these usually do not generate written reports.

Observations and recommendations are handled through discussions and the licensing process takes all sources of information into account.

APPENDIX 4

**Role of the Children's Services
Consultants during a site inspection
for licensing.**

The Children's Mental Health Centres Act states that each agency designated under the Act shall have a "program adviser" appointed by the Minister of Health. It is this person's "responsibility to assess the nature and quality of the services rendered, including the management, conduct, operation and use of a centre, and to be as helpful as possible in ensuring that optimum standards of care and treatment are maintained."

Consultants' visits for the purpose of licensing relate specifically to determining the actual therapeutic environment the child is living in and are designed to evaluate the quality of care provided by an agency. Obviously much reliance is placed on the fact that the consultants are trained professionals who have had experience working with emotionally disturbed children. In addition to regular visits for the purposes of licensing the consultants are available to the centres to provide assistance in a variety of areas such as planning changes in program focus, developing treatment evaluation procedures, and participating in inter-agency meetings.

There are basically six procedures involved in a consultant's visit to a centre for the purposes of licensing. For each of these there are certain criteria used to judge the quality of the program.

1. Examination of buildings and provision of physical care: The consultant inspects the buildings to ascertain whether they are in good repair and all department of health, fire safety, and Hydro regulations are met. He also looks for evidence that children are provided with medical and dental care as needed, are served a well balanced diet, and have adequate clothing. In addition he determines the availability of recreation and sports facilities, either within the agency or through arrangements with outside resources.

2. Interviews with senior and front-line staff, children in the program, and, as appropriate, other agencies and/or board members: Through interviews and discussions with senior staff the consultant tries to determine if there is a consistent treatment philosophy, and if so can supervisors aid more junior staff to transmit this policy into practice. He also tries to ascertain if senior staff are in contact with what junior staff are actually doing and are aware of any problems that might exist at the front-line level.

Through talking with junior staff members the consultant first judges whether they like children. He then tries to ascertain whether front-line workers understand and agree with the agency's treatment philosophy, and feel that they receive adequate support and supervision to carry it out.

A vital part of any inspection is discussion and informal interaction with the children. It is their perception of the agency that determines if the treatment philosophy and staff are therapeutic. Children who are frank and open in expressing themselves, rather than fearful or sullen, indicate an atmosphere where a child can work through his emotional conflicts.

Periodically agencies placing children in the facility under review are contacted. Their opinion of the service provided, and the degree of cooperation in planning for the specific child, provide a gauge of the agency's responsiveness to community needs.

3. Observation of staff-child interactions: During the visit the consultant tries to set aside time to participate in the agency's program and observe staff-child interactions. He looks to see if staff members are supportive, warm, and just with the children, and whether they listen to the youngsters or simply try to dominate them. Through such observation the consultant is able to get a feel for the personal maturity of staff. This is a factor which greatly influences the quality of day to day care given to the children and the therapeutic atmosphere of an agency.

4. Examination of the recording and communication system: In order to work effectively staff need access to materials that will help them understand the child and his problems. It is also essential that everyone involved with the child know what the treatment goals are and the methods to be used in working towards them. Otherwise there is a lack of consistency which could further damage a disturbed child.

During inspection visits the consultant reviews randomly selected case material to ascertain whether there are adequate diagnostic, conference, and progress reports. He also looks for evidence of a written treatment plan with specific goals. In addition the consultant makes inquiries among staff to determine the adequacy of communication. For example, are on-coming staff given a change-of-shift report?

5. Examination of staff qualifications and staffing patterns: The consultant tries to determine that staff members filling various positions have adequate training and

experience for their roles. Associated with this is an effort to ascertain that staff supervision is adequate in terms of availability, frequency, and quality. Inquiries are also made in regard to the availability and use of special services outside the agency. The consultant examines staffing patterns to see that each shift is adequately covered in terms of number of workers, their qualifications and the availability of supervision.

6. Indication of the agency's ongoing interest in children who have been discharged: An agency's involvement with a child should not abruptly cease on the day of discharge. Experience has clearly shown that the initial period the child is home can be one of great stress for the family. Therefore the amount and type of ongoing contact by the agency after discharge has implications for the quality of service being provided. The consultant inquires with respect to number, frequency, and type of contacts by the agency staff with child and/or family. He is also interested in whether or not children feel free to contact or visit the agency after discharge.

After each inspection visit the consultant writes a report summarizing his observations and impressions. This report is circulated to all staff in children's services, and a copy sent to the director of the agency reviewed. If it is seen as desirable or necessary, the

consultant will revisit the agency to discuss his report with the director and staff.

In addition to visiting agencies for purposes of licensing, and being available to provide assistance in various areas as already indicated, the consultant participates in the budget meetings with the financial controls branch of the ministry to interpret agency funding needs.

Note: In 1976 the term "program adviser" was changed to "regional co-ordinator" to describe more accurately the broadening role and responsibility of this position.

65. Mr. Ziemba—Inquiry of the ministry. Will the Minister of Revenue table the following figures regarding Ontario first-time home buyer grants: the number of applications from each riding, the number of grants issued to each riding, the number of audits in each riding and the number of illegal grants found in each riding, by riding? (Tabled December 5, 1977).

Answer by the Minister of Revenue (Mrs. Scrivener):

This information is not available as the application and audits are not identified in terms of ridings. Such information is irrelevant to any aspect of the administration of the program.

APPENDIX B

ALPHABETICAL LIST OF MEMBERS OF THE
LEGISLATURE OF ONTARIO

(125 members)

First Session of the 31st Parliament

Speaker: Hon. John E. Stokes

Clerk of the House: Roderick Lewis, QC

Member	Constituency	Party
Ashe, G.	Durham West	PC
Auld, Hon. J. A. C.	Leeds	PC
Baetz, R. C.	Ottawa West	PC
Belanger, J. A.	Prescott and Russell	PC
Bennett, Hon. C.	Ottawa South	PC
Bernier, Hon. L.	Kenora	PC
Birch, Hon. M.	Scarborough East	PC
Blundy, P.	Sarnia	L
Bolan, M.	Nipissing	L
Bounsall, E. J.	Windsor-Sandwich	NDP
Bradley, J.	St. Catharines	L
Breaugh, M.	Oshawa	NDP
Breithaupt, J. R.	Kitchener	L
Brunelle, Hon. R.	Cochrane North	PC
Bryden, M.	Beaches-Woodbine	NDP
Campbell, M.	St. George	L
Cassidy, M.	Ottawa Centre	NDP
Charlton, B.	Hamilton Mountain	NDP
Conway, S.	Renfrew North	L
Cooke, D.	Windsor Riverside	NDP
Cunningham, E.	Wentworth North	L
Cureatz, S.	Durham East	PC
Davidson, M.	Cambridge	NDP
Davis, Hon. W. G.	Brampton	PC
Davison, M.	Hamilton Centre	NDP
Deans, I.	Wentworth	NDP
di Santo, O.	Downsview	NDP
Drea, Hon. F.	Scarborough Centre	PC
Dukszta, J.	Parkdale	NDP
Eakins, J.	Victoria-Haliburton	L
Eaton, R. G.	Middlesex	PC
Edighoffer, H. (Deputy Speaker)	Perth	L
Elgie, R.	York East	PC
Epp, H.	Waterloo North	L
Foulds, J. F.	Port Arthur	NDP
Gaunt, M.	Huron-Bruce	L
Germa, M. C.	Sudbury	NDP
Gigantes, E.	Carleton East	NDP
Grande, A.	Oakwood	NDP
Gregory, M. E. C.	Mississauga East	PC
Grossman, Hon. L.	St. Andrew-St. Patrick	PC
Haggerty, R.	Erie	L
Hall, R.	Lincoln	L
Handleman, S. B.	Carleton	PC

Member	Constituency	Party
Havrot, E.	Timiskaming	PC
Henderson, Hon. L. C.	Lambton	PC
Hennessy, M.	Fort William	PC
Hodgson, W.	York North	PC
Johnson, J.	Wellington-Dufferin-Peel	PC
Jones, T.	Mississauga North	PC
Kennedy, R. D.	Mississauga South	PC
Kerr, Hon. G. A.	Burlington South	PC
Kerrio, V.	Niagara Falls	L
Lane, J.	Algoma-Manitoulin	PC
Laughren, F.	Nickel Belt	NDP
Lawlor, P. D.	Lakeshore	NDP
Leluk, N.C.	York West	PC
Lewis, S.	Scarborough West	NDP
Lupusella, A.	Dovercourt	NDP
MacBeth, Hon. J. P.	Humber	PC
MacDonald, D. C.	York South	NDP
Mackenzie, R.	Hamilton East	NDP
Maeck, L.	Parry Sound	PC
Makarchuk, M.	Brantford	NDP
Mancini, R.	Essex South	L
Martel, E. W.	Sudbury East	NDP
McCaffrey, B.	Armourdale	PC
McCague, Hon. G.	Dufferin-Simcoe	PC
McClellan, R.	Bellwoods	NDP
McEwen, J. E.	Frontenac-Addington	L
McGuigan, J.	Kent-Elgin	L
McKeough, Hon. W. D.	Chatham-Kent	PC
McKessock, R.	Grey	L
McMurtry, Hon. R.	Eglinton	PC
McNeil, R. K.	Elgin	PC
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Miller, G. I.	Haldimand-Norfolk	L
Newman, B.	Windsor-Walkerville	L
Newman, Hon. W.	Durham-York	PC
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Norton, Hon. K.	Kingston and the Islands	PC
O'Neil, H.	Quinte	L
Parrott, Hon. H. C.	Oxford	PC
Peterson, D.	London Centre	L
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Pope, A.	Cochrane South	PC
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Reid, T. P.	Rainy River	L. LAB.
Renwick, J. A.	Riverdale	NDP
Rhodes, Hon. J. R.	Sault Ste. Marie	PC
Riddell, J.	Huron-Middlesex	L
Rollins, C. T.	Hastings-Peterborough	PC
Rotenberg, D.	Wilson Heights	PC
Rowe, R. D.	Northumberland	PC
Roy, A. J.	Ottawa East	L
Ruston, R. F.	Essex North	NDP
Samis, G.	Cornwall	L

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Scrivener, Hon. M.	St. David	PC
Smith, G. E.	Simcoe East	PC
Smith, S.	Hamilton West	L
Snow, Hon. W.	Oakville	PC
Stephenson, Hon. B.	York Mills	PC
Sterling, N. W.	Carleton-Grenville	PC
Stokes, Hon. J. E.	Lake Nipigon	NDP
Stong, A.	York Centre	L
Swart, M.	Welland-Thorold	NDP
Sweeney, J.	Kitchener-Wilmot	L
Taylor, G.	Simcoe Centre	PC
Taylor, Hon. J. A.	Prince Edward-Lennox	PC
Timbrell, Hon. D. R.	Don Mills	PC
Turner, N.	Peterborough	PC
Van Horne, R.	London North	L
Villeneuve, O. F.	Stormont-Dundas-Glengary	PC
Walker, G.	London South	PC
Warner, D.	Scarborough-Ellesmere	NDP
Welch, Hon. R.	Brock	PC
Wells, Hon. T. L.	Scarborough North	PC
Wildman, B.	Algoma	NDP
Williams, J.	Oriole	PC
Wiseman, D. J.	Lanark	PC
Worton, H.	Wellington South	L
Yakabuski, P. J.	Renfrew South	PC
Young, F.	Yorkview	NDP
Ziemba, E.	High Park-Swansea	NDP

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